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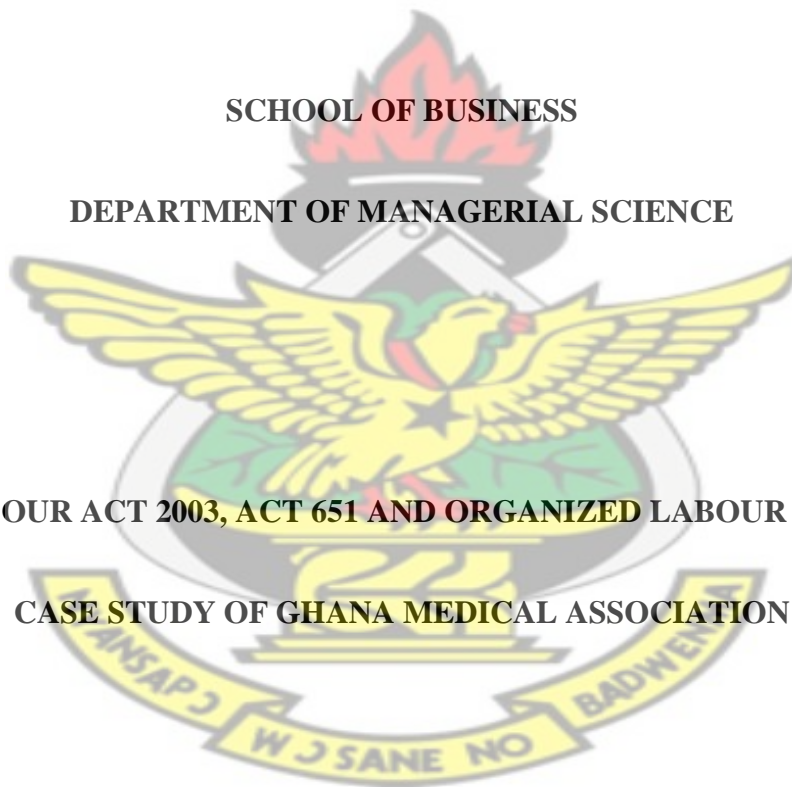
**KUMASI**

**COLLEGE OF ART AND SOCIAL SCIENCE**

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**SCHOOL OF BUSINESS**

**DEPARTMENT OF MANAGERIAL SCIENCE**



**THE LABOUR ACT 2003, ACT 651 AND ORGANIZED LABOUR STRIKES:**

**CASE STUDY OF GHANA MEDICAL ASSOCIATION**

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**THE LABOUR ACT 2003, ACT 651 AND ORGANIZED LABOUR STRIKES:**

**CASE STUDY OF GHANA MEDICAL ASSOCIATION**

**By**

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**A Thesis submitted to the Department of Managerial science, Kwame Nkrumah  
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degree of**

**MASTER OF BUSINESS ADMINISTRATION (HUMAN RESOURCE OPTION)**

**School of Business, KNUST**

**College of Art and Social Sciences**

**September, 2012**

## DECLARATION

I hereby declare that this submission is my own work towards the Master of Business Administration (Human Resource Management Option) and that, to the best of my knowledge, it contains no material previously published by another person nor material which has been accepted for the award of any other degree of the University, except where due acknowledgement has been made in the text.

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## ABSTRACT

The purpose of the study was to assess GMA's understanding of the Labour Act and determine the challenges they face with regards to the right to strike. The study also analyzed the various procedures GMA adopts before proceeding on strikes and drew attention to the need to review certain aspects of the Labour Act 2003 (Act 651) on strikes. Convenience sampling and purposive sampling techniques were adopted for the study. Both primary and secondary sources of data were employed. Questionnaires and interviews were used to collect data for the study. The collected data was presented and analyzed using tables and graphs through the help of Microsoft Excel. Based on the research conducted, it was revealed that both the executives and members of GMA do not have adequate understanding of the Labour Act 2003 (Act 651). It was also revealed that the two main causes of industrial disputes between GMA and its employers are demand for allowance and demand for increase in wages. The study also showed that GMA goes through the processes of negotiation and arbitration before embarking on strike actions. The study also showed that GMA wants to be given the right to strike like other unions and that certain parts of the Labour Act 2003 (Act 651) should be reviewed. It was therefore recommended that a voluntary or compulsory orientation should be given to all union members; especially the leaders of GMA, in the Labour Act 2003, (Act 651) to help them understand and appreciate the laws governing their employment. It was also recommended that the Labour Act 2003, (Act 651) should be reviewed to specify clearly the consequences of strike actions by GMA in order to control the regular strike actions by the health sector.

## ACKNOWLEDGEMENTS

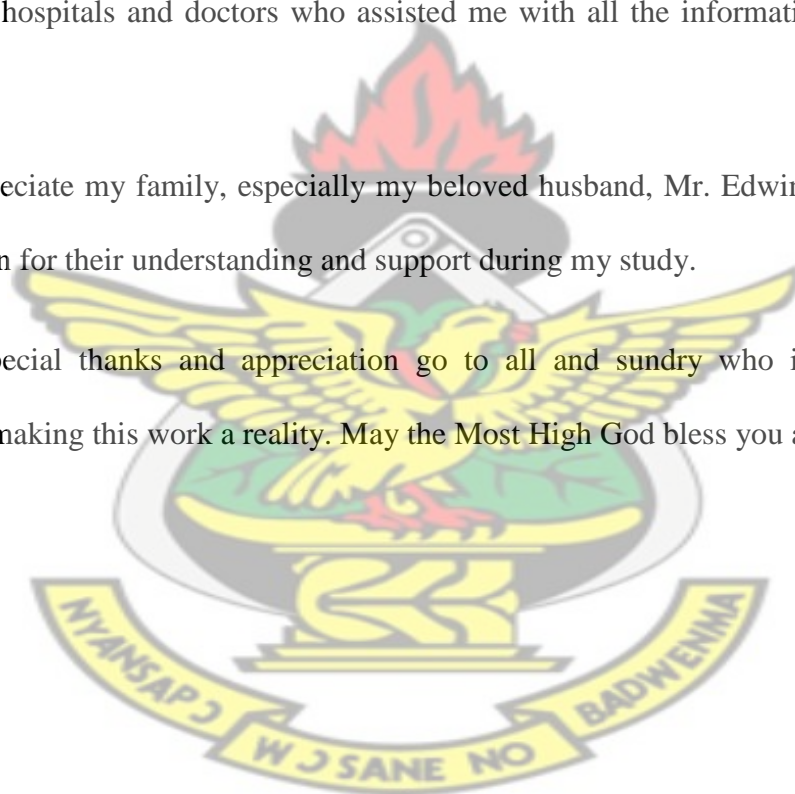
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## DEDICATED TO

My beloved husband, Edwin Otu Martinson and children. I love you all.

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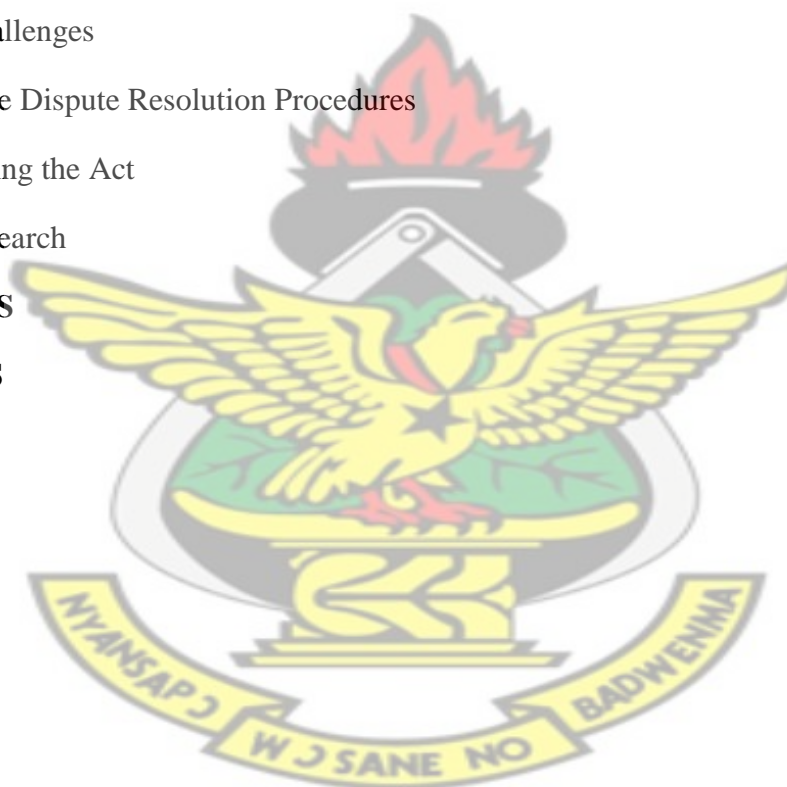


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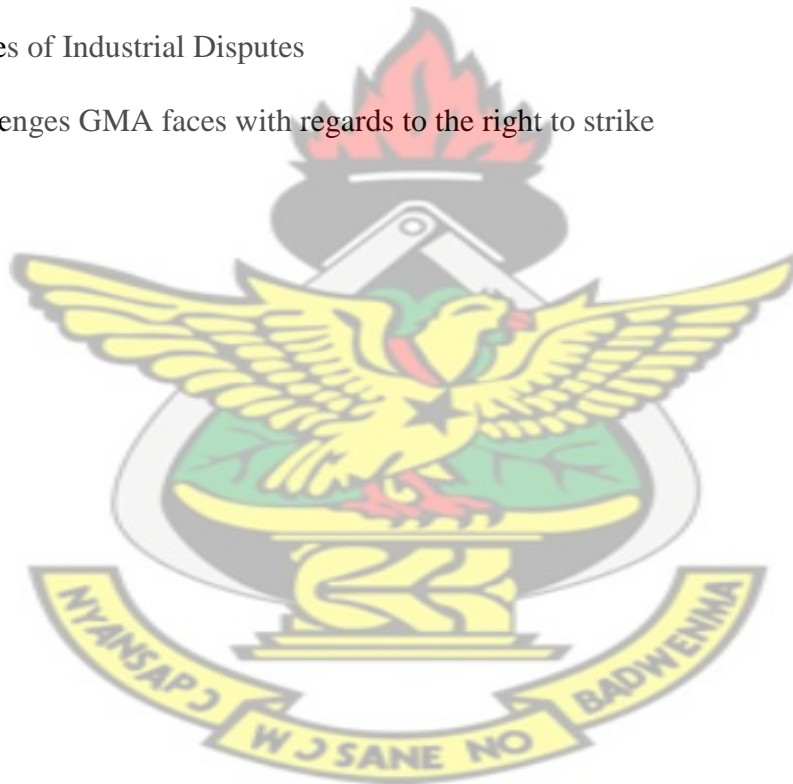
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## LIST OF ABBREVIATIONS

NAGRAT	National Association of Graduate Teachers
UTAG	University Teachers Association of Ghana
TEWU	Tertiary and Educational Workers Union
KNUST	Kwame Nkrumah University of Science and Technology
FWSC	Fair Wages and Salaries Commission
GMA	Ghana Medical Association
SSSS	Single Spine Salary Structure
SPSS	Statistical Package for Social Science
ILO	International Labour Organisation
NLC	National Labour Commission
NGO	Non-Governmental Organization
ADHA	Additional Duty Allowance
GHOSPA	Government and Hospital Pharmacists Association
AHSAG	Association of Health Service Administrators in Ghana
HASAG	Health Accounting Staff Association of Ghana
BMA	British Medical Association



## CHAPTER ONE

### INTRODUCTION

#### 1.0 Background of the study

There is no doubt that strikes have become quite regular in the 21<sup>st</sup> century. A number of organized labours frequently embark on strikes. Recently, the Ghana Medical Association was on strike for nineteen days, bringing serious repercussions to the health sector and the state as a whole (Boateng, 2011). Interestingly, at the start of the doctors' strikes, the National Association of Graduate Teachers (NAGRAT) was also on their fifth day of turning their back on the classrooms. Other professional bodies and worker groups like the Laboratory and Pharmacist Associations and University Teachers Association of Ghana (UTAG) also joined in the strikes latter. Tertiary and Educational Workers Union (TEWU) of the Kwame Nkrumah University of Science and Technology (KNUST) were also on strike and the Health Workers Union Association also threatened to go on strike within the next few days if their grievances were not addressed by the Fair Wages and Salaries Commission (FWSC). Surprisingly, all these strike actions were aimed at enhancing salaries and improving conditions of work.

There are several causes of industrial disputes. Some of them are the constant collision of union executives and government or employers, ignorance of workers about Labour Laws and their right to challenge management, Government and employers refusal to honour their part of the Collective Bargaining agreement, to mention but just a few. Workers need to know that industrial relations and trade unions are given the legal backing by the Labour Act 2003, Act 651. Workers must be aware that employers and government can no longer treat them with disdain since they risk being sent to court.



Over the years the parties in any productive endeavor in the country, that is, employers and organized labour, have found common grounds to resolve their differences over collective bargaining agreements. Somehow, this time-tested value and tradition seem to be fading away with strikes taking its place. Strikes disrupt productive activities in the country and retard the development process. In fact, the consequences of strikes can hardly be quantified; more especially strikes in respect of institutions providing essential services like the Health Sector. A case in point is that of the doctors' strike action which occurred at a time of a major flood in Accra, which claimed lives of people and caused serious injuries to several persons putting them in terrible need of urgent medical attention (Asare-Boadu, 2011).

Historically, Ghana for several decades, has witnessed organized strikes which have had unbearable effects on the various organizations and the country as a whole. Obeng-Fosu (2009) observed in his book, *Industrial Relations in Ghana* that, patterns of strikes in Ghana, before and after independence, shows that most of the strikes occur at the plant levels of establishment. These strikes occur at the time that settlement procedures have not been exhausted and sometimes without the knowledge of union officials. He also observed that, the Labour Department's records on strikes reveal the following as main causes of strike actions: demand for increase in wages, non-payment of wages, unfavourable service conditions, delay in the implementation of collective agreement, dismissals, re-instatement of dismissed colleague, demand for payment of minimum wage, demand for payment of rent allowance, delay in the signing of collective agreement, delay by the Price and Income Board to approve negotiated collective agreement.

According to the interpretation section of the Labour Act 2003, Act 651, sub-section (175), strike means any action by two or more workers acting in concert which is intended by them to restrict in any way the service they normally provide to the employer or diminish such service with a view to applying coercive pressure upon the employer. It includes sympathy



strike and those actions commonly called work to rule, go slow or a sit down strike. This is because where no constructive option is available, only strike can empower the disempowered to fight injustice in oppressive situations (Siegel, 1994). Through strikes, workers are able to claim improved working conditions and fair salaries and wages. The outcome of the strikes in several states of the European Union was an improvement in working conditions as well as fair share in wages (Siegel, 1994).

Strikes however, should be the last resort, following failure of other procedures such as obligatory mediation. Through mediation, it is possible to come up with a common pact or agreement between employees and employers. There are criticisms and arguments supporting and opposing this claim (Scrope and Barnett, 2008).

### **1.1 Statement of the Problem**

Though the Labour Act of Ghana recognizes and allows for legal strike actions, it prohibits essential service providers like GMA from embarking on strikes. The Act defines essential services providers to include areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other service as the Minister may by legislation, determine. The Act enjoins them to endeavour to settle disputes within three days of the occurrence of the dispute by negotiation. If after the expiration of three days, the dispute remains unsolved, the parties shall within twenty – four hours of the expiration of the three days, refer the dispute to the National Labour Commission for settlement by compulsory arbitration under section 164.

The GMA declared a nation-wide strike on Saturday, October 8, 2011, after its emergency national executive council meeting in Tamale on October 6, 2011. The association complained about distortions in the grading structures of the Single Spine Salary Structure (SSSS), issues of unscientific determination of market premium and inducement by the Fair

Wages and Salaries Commission (FWSC). This action by GMA resulted in several loss of lives (Asare-Boadu, 2011).

The purpose of the study is to research into the various procedures GMA adopts before proceeding on strike and to draw attention to the need to review certain aspects of the Labour Act 2003 (651) on strikes, pointing out its weaknesses and consequences, with the ultimate goal of finding the causes of strikes by GMA and to provide suggestion for an appropriate means of reducing strikes by essential service providers like the GMA and the right procedure they ought to follow when there is industrial dispute in the face of provisions of the Labour Act.

### **1.2.0 Objectives of the Study**

The research was aimed at the following General and Specific Objectives:

#### **1.2.1 General Objective**

The general objective of the study is to subject the right to strike as provided in the Labour Act 2003 (Act 651) to a critical examination, paying attention to provisions in sections (1, 2, 3, 8, 9, 10, 11, 12, 33, 79, 80, 98, 99, 135, 138, 160, 153, 159, 163, 164, 168) with regard to organized labour strikes in this current democratic dispensation with specific reference to the Ghana Medical Association (GMA).

#### **1.2.2 Specific Objectives**

This study is specifically set out to achieve the following:

1. To assess members of GMA understanding of the Labour Act.
2. To determine whether GMA faces any challenges with regards to right to strike.

3. To determine why strikes have become regular in the health sector though the Labour Act is against it.
4. To critically analyze the processes GMA go through to embark on strike actions.
5. To make appropriate recommendations for the possible review of the provisions of the Act in relation to strikes and make suggestions as to how strikes can be minimized.

### 1.3 Research Questions

The following research questions were used for the study:

1. What is the GMA's understanding of the Labour Act 2003, Act 651?
2. What are the challenges facing GMA with respect to the right to strike?
3. Why has strike become regular in GMA despite the promulgation of the Labour Act 2003, Act 651?
4. What are the processes GMA goes through before embarking on strikes?
5. Is there any need to call for a review of any provision in the Act in respect of strikes in the health sector in order to solve the challenges of GMA?

### 1.4 Significance of the Study

One of the main aims of the Labour Act 2003, Act 651, is to provide a more responsive and flexible legal regime that will allow a proactive treatment and resolution of labour issues and disputes. The study focuses on providing adequate information for unions, GMA especially. This study will help GMA to have more say in decisions, as the association has always sought to have a say in matters that affect their welfare and work in order to minimize man day lost through strikes, thereby increasing productivity from the health sector, saving lives that would otherwise have been lost through doctors' strikes. The issue here is a struggle for equality and balance of power between the unions and their employers.

The study will also go a long way to assist essential service providers like GMA to appreciate and understand the provisions of the Labour Law in respect of strike actions and whether GMA as an essential service provider should embark on strike at all.

The study will go a long way to educate and inform Management, the union and government who are all partners in development in any nation, that with little review of the provisions in Act (651) the Labour Law, it will be a suitable channel to address labour disputes, the study will also address reasons and the effect of unionized strikes making appropriate recommendations as to how strikes can be reduced.

### **1.5 Overview of Methodology**

This was a descriptive study describing the effect of strike actions by Ghana Medical Association. This gave the researcher an opportunity to achieve research objectives.

Convenience sampling and purposive sampling techniques were adopted on staff and management of Ghana Medical Association. Both primary and secondary sources of data were employed. The research made use of both primary and secondary data. The primary data was from interviews and administered questionnaires, which were given to the sampled respondent to answer. Secondary data was mainly from facts and figures from relevant Journals, the National Labour Commission and relevant literatures that were reviewed on the topic as well as documents collected from the executives of GMA. The instrument used to collect the data for the study was through the use of questionnaires and interviews. Questionnaires administered were the main instrument used for the primary data collection. Questionnaires were used because of its convenience and freedom in answering. The questionnaires were generated from the objectives of the study and the research questions. The questionnaire is relevant to the literature and objectives of the study. The choice of this technique was based on the fact that it was the most convenient tool to use to extract the

needed information from a literate sampled population. Closed and opened ended questions were used in the questionnaire to elicit information from the respondents. Information on the organization and the procedures they use in negotiations and bargaining were among the information gathered from the executives. Structured interviews were also used for the primary data. The interview questions were based on the objectives of the study and the research questions. The interview was also used as a follow up questions to the answers given by respondents in the questionnaire. Data analysis was done through the use of graphs and tables and analyzed and presented through the use of Microsoft Excel. In addition to that, a comparison of data was also done in order to ascertain whether the information gathered from the executives were the same as those provided by the Labour Act of Ghana and the literature reviewed.

### **1.6 Scope of the Study**

The study focuses on certain provisions of the Labour Act 2003, Act 651, specifically, provisions on workers' rights, strikes and trade unionism. Attention is paid to sections 1, 2, 3, 12, 15, 33, 34, 42, 118, 135, 138, 160, 102, 169, 163, 108 as well as other legislations on labour with specific reference to GMA as to how the association has been able to apply the provisions of the Act. The reason being that GMA being a provider of essential service in the context of the Labour Act, has over the years embarked on quite a number of strike actions while the leaders of the association mostly give reasons for their regular strikes as problems associated with welfare, remuneration and administration.

### **1.7 Limitations of the Study**

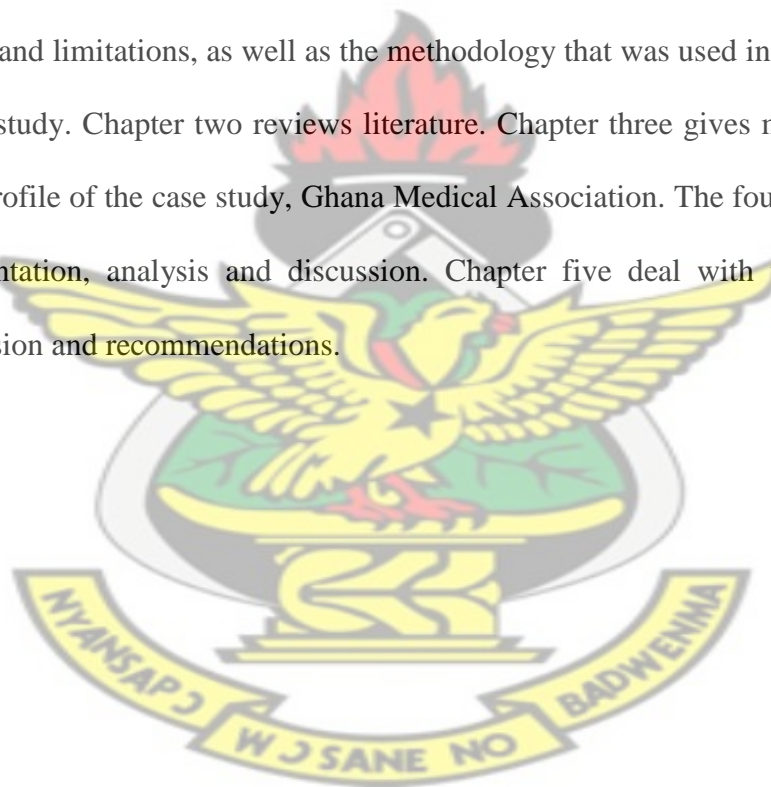
With initial membership of forty when inaugurated and a current membership of over 1700, GMA keeps growing in number. Ideally, the study should have covered the over 1700 membership. However, constraints of time and scarcity of resources like money would not



make it possible to use all the members of GMA scattered all over the country. For instance, it is practically impossible to reach all GMA members in every city, village or town. Even if this could be done, the high cost of transportation and the time involve would not make it possible. These limitations made the researcher use only a select few of the GMA membership.

## **1.8 Organization of the Study**

The study has five chapters in all. The first chapter begins the study with the introduction. It also outlines the problems of the study, the objectives of the study, the significance of the study, the scope and limitations, as well as the methodology that was used in the collection of the data for the study. Chapter two reviews literature. Chapter three gives methodology and organizational profile of the case study, Ghana Medical Association. The fourth chapter deals with data presentation, analysis and discussion. Chapter five deal with the summary of findings, conclusion and recommendations.



## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 Introduction**

This chapter reviews the literatures of other researchers and authors whose works have contributed to the subject of study: organized labour strikes.

#### **2.1 Perspectives of Organization**

Organization is a complex social system that can be defined and studied in a number of ways. It involves several units of people, systematically structured and managed to meet a need or to pursue collective goals on a continuing basis. All organizations have management structure that determines relationships between functions and positions, subdivides and delegates roles, responsibilities and authority to carry out defined tasks. Organizations are open systems, in that they affect and are affected by the environment beyond their boundaries (Business Dictionary, January 2012).

Milieus (2007), agrees with Mullins (2006), that organizations can also be seen in the business circle as a creation of demand and supply of goods and services. Milieus (2007), however added that, all organizations have some functions to perform. They exist to achieve objectives and to provide satisfaction for their members. Organizations enable objectives to be achieved that could not be achieved by efforts of individuals on their own.

#### **2.2 Labour Market and Organisation**

The labour market functions through the interaction of workers and employers. In the labour market, human capital is exchanged and paid for. Labour aids in producing output which contribute to an employer's revenue and profit and therefore, it is the employer who



determines the number of workers, working conditions, work schedules and specific duties (Kanfunan and Hotchlads, 2003).

According to Armstrong (2006), organizations will pay more than the market rate because they believe that high levels of pay will contribute to increases in productivity by motivating supervision performance, attracting better candidates, reducing labour turnover and persuading workers that they are being treated fairly. Louis et al (2003) however asserted that, workers aim to strike a bargain about the relationship between what they regard as a reasonable contribution and what their employer is prepared to offer to elicit that contribution. Therefore, management has to assess what level and type of inducements it has to offer in return for the contribution it requires its workforce.

In Ghana, industrial relationships are regulated by the Labour Act 2003 (Act 651).

### **2.3 The Climate of Industrial Relations**

It is not all the relationships associated with the organization of industry that are relevant, such as the relations the organization has with its customers or the community at large. The aspect of business enterprise with which Industrial Relations is concerned is the employment aspect. These are the relations between the enterprise and its employees themselves. The study of Industrial Relations may, therefore be explained as the study of the institution of job regulation (Obeng-Fosu, 2007). As noted by Poole (1986), industrial relations encompasses the study of the employment relationship. Dessler (2008) and Abrefa-Gyan (2008) both agree that, industrial relations are the relationships among the worker, the union, and the employer.

There are two types of rules in Industrial Relations: procedural or substantive. This can be seen in the clause/articles of Collective Agreement, which are mainly composed of a body of rules. Procedural clauses/articles deal with such matters as the method to be used and the

stages to be followed in settlement of disputes while substantive articles, on the other hand, refer to rate of wages and working hours or to other job terms and conditions of employment (Armstrong, 2006; Obeng-Fosu, 2007).

The relationships which arise at and out of the workplace generally include the relationships between individual workers, the relationship between workers and their employer, the relationships between employers, the relationships employers and workers have with organizations formed to promote their respective interests and the relations between those organizations at all levels. Industrial relations also includes the processes through which these relationships are expressed such as collective bargaining, workers' participation in decision-making, grievance and dispute settlement and management of conflict between employers, workers and trade unions when it arises (Abrefa-Gyan, 2008).

When the parties to Industrial Relations fully understand their rights and obligations, they are more prepared and able to adjust their difference willingly. The laws which influence Industrial Relations in Ghana are principally the following:

1. The Labour Act 2003 (Act 651)
2. Factories, Offices and Shops Act 1970 (Act 328) and PNDL Law 66, which amends it
3. Workmen's Compensation Law, 1987 (PNDC L 187).

“The laws governing labour relations have the dual role of protecting satisfactory working conditions and also regulating relations.” (Obeng-Fosu).

#### **2.4.0 The International Labour Organisation (ILO)**

The ILO has made significant contributions to the world of work from its early days. The ILO was formed in 1919, as part of the Treaty of Versailles that ended World War I, to reflect

the belief that universal and lasting peace can be achieved only if it is based on social justice. There was keen approval of the importance of social justice in securing peace, against a background of exploitation of workers in the industrializing nations of that time. There was also increasing understanding of the world's economic interdependence and the need for cooperation to obtain similarity of working conditions in countries competing for markets. The International Labour Conference, which meets annually, set International labour standards and the broad policies of the ILO. In 1946, the ILO became a specialized agency of the newly formed United Nations ([www.ilo.org](http://www.ilo.org)).

Poole (1986) wrote that, a dominant tendency in industrial relations in the latter part of the twentieth and into the twenty-first century is the internationalization of markets, production, knowledge and institutions. In respect of industrial relations, there have been in any event a series of ILO standards, and indeed its conventions and recommendations are a major source of labour law.

#### **2.4.1 ILO and Freedom of Association and the Right to Collective Bargaining**

Information gathered from the ILO website (2012) revealed the guiding principle of the ILO, that, “labour is not a commodity” to be traded in the same way as goods, services or capital and that the human dignity demands equality of treatment and fairness in dealing with the workplace. The right of workers and employers to form and join organizations of their own choosing is an integral part of a free and open society. From advising governments on labour legislation to providing education and training for trade unions and employer groups, the ILO is regularly engaged in promoting freedom of association. This is evidenced in its adoption of Convention No. 87 on freedom of association and the right to organize. The Committee on Freedom of Association was set up in 1951 to examine violations of workers’ and employers’ organizing rights. The committee is tripartite and handles complaints in Member States

whether or not they have ratified freedom of association conventions. Through the Committee on Freedom of Association and other supervisory mechanisms, the ILO has frequently defended rights of trade unions and employers' organizations

#### **2.4.2 ILO and Labour Law**

The approval of labour laws and regulations is an important means of implementing ILO standards, promoting the ILO Declaration and the Fundamental Principles and Rights at Work, and putting the concept of Decent Work into practice. Under the ILO Constitution, the Office is devoted to offering technical cooperation and advisory services to member States and to assist them in assessing and, where necessary, framing or revising their labour laws. This comprises assistance in the development of national laws and regulations to allow ratification of Conventions or implementation of the corresponding principles ([www.ilo.org](http://www.ilo.org)).

The ILO has drawn up numerous conventions on what ought to be labour standards adopted by countries party to it. Countries are then obliged to ratify the conventions in their own national law. However, there is no enforcement of this and in practice, most conventions are not agreed to even if adhered to (Abrefa-Gyan, 2008).

#### **2.4.3 ILO and Tripartism and Social Dialogue**

Fundamental to the ILO's work is the importance of cooperation between governments and employers' and workers' organizations in fostering social and economic progress. The ILO aims to guarantee that it serves the needs of working women and men by bringing together governments, employers and workers to set labour standards, develop policies and devise programmes. The very structure of the ILO, where workers and employers together have an equal voice with governments in its negotiations, shows social dialogue in action. It makes sure that the views of the social partners are closely reflected in ILO labour standards,



policies and programmes. The ILO promotes this tripartism within its constituents and member States by promoting a social dialogue between trade unions and employers in formulating, and where appropriate, implementing national policy on social, economic, and many other issues.

The ILO accomplishes its work through three main bodies (The International Labour Conference, the Governing body and the Office) which consist of governments', employers' and workers' representatives ([www.ilo.org](http://www.ilo.org))

## 2.5 Trade Unionism

Representatives of union members on management Boards (for instance, TEWU, representative on University Council in Ghana) is a clear manifestation of unions attempt to have more say in the management of their workplaces (Obeng-Fosu, 2007). Trade Unions are essentially associations of workpeople formed to safeguard and improve upon the working conditions of their members and more generally to raise their status and promote their vocational interest (Obeng-Fosu, 2007; Abrefa-Gyan, 2008).

There are several means by which Trade Union can be organized to execute their function of counter balancing the excessive power of the employer (Turner, 1962). Basically, Trade Unions are formed because workpeople feel the need to come together in order to further their common interests on the basis of common employment (Carrell et al, 2000; Obeng-Fosu, 2007).

The 1992 Constitution of the Republic of Ghana provides for freedom of association. Article 21(1) (e) states that: “freedom of association, which shall include freedom to form or join trade unions or other associations, national and international, for the protection of their interests.”

As noted by Dessler (2008), the development of Trade or Labour Unions has generally been perceived as a power response to managerial authority. The purposes of Trade Unions differ from country to country, and from period to period. Workers don't unionize just to get more pay or better working conditions, though these are very important. The urge to unionize often boil down to the belief on the part of workers that it is only through unity that they can get their fair share of the pie and also protect themselves from management whims. The main purpose however, as noted by some writers may is to protect workers and provide for their security; improving their standards of living and working conditions (Carrell et al, 2000); raising of the vocational status of their members. Employees choose unionization as a way to achieve results they cannot achieve individually. Unionization is driven by several forces including dissatisfaction with management's handling of employees related issues, exclusion of employees from decision making process at the work place, frustration of employees, need for recognition at the work place and failure to meet economic needs of employees such as wages, benefits and good working conditions. Poor handling of these and other related issues by the employer at the work place is the strongest force behind the need for unionization (Obeng-Fosu, 2007).

A Trade Union ordinance was passed in 1941 in the Gold Coast to promote Trade Unionism. The government sponsored organized Trade Unions during the colonial days and its registration did not confer bargaining rights to the Trade Union. Negotiations could either be accepted or rejected by employers. Strikes were illegal, but the workers usually gave twenty-one days notices on their intentions to strike. It was until 1943, that the Gold Coast Trades Union Congress was formed, with Government support. The congress was formally inaugurated on 8<sup>th</sup> September, 1945 and came into prominence in 1950 as a result of the general strike of that year (Arthiabah and Mbiah, 1995).

In recent years, union leaders and union members have shifted from their traditional adversarial relationship with management to a more collaborative, problem-solving relationship. Despite this general trend, work slowdowns and strikes remain threats to companies in which unions represent the employees, and such work disruptions often reach far beyond the firm itself (Obeng-Fosu, 2007).

## **2.6 Collective Bargaining**

In every employer – employee relationship, the employer almost always has a greater economic and social power than any individual employee. For the employees to have any effective power in the employment relations, they must join together to further their demands on collective basis. It is only then that they can stand any chance of counter balancing the power of the employer (Davis and Freeland, 1983; Armstrong, 2006). According to empirical research, workers who have the benefits of collective bargaining generally enjoy higher wages, better benefits, fewer injuries, narrower wage dispersions and greater equality between genders and ethnic groups. Through raising labour cost, collective bargaining reduces turnover and better qualified employees are hired. On balance it may increase efficiency (Freeman and Medoff, 1984).

Collective bargaining comprises two broad and highly related processes: contract negotiations and contract administration (the day-to-day enforcement of the contract) (Carrell et al, 2000). Armstrong (2006) added that, collective agreements can be classified as procedural agreements or substantive agreements. Dessler (2005, 2008) however asserted that, collective bargaining involves negotiations between two or three parties, for example, between employers and workers or their representatives (such as unions) to determine substantive rules (compensation and benefits) and procedural rules (due processes and procedure for resolving disagreement over the implementation of the employment contract



e.g. grievance and disciplinary procedures and rules for handling conflicts) within the framework of the employment relations. Coleman (2006) also added that, in industrial relations, the state through government also participates both as an employer and/or as a regulator or referee between management and labour. A key purpose of collective bargaining is to protect the interests of the parties by entering into an agreement.

Interestingly, in some cases, the agreement reached may be mutually beneficial to one party's advantage, while in certain cases an agreement may not be reached at all. One writer, Pruitt (1993), in his book, *Negotiations in Social Conflict*, notes through the strategic choice model that there are three basic strategies to be chosen by the bargainer in the process of bargaining. One of such strategies is to compromise unilaterally so as to bridge the distance between the two parties and to reach an agreement faster. Next is the use of coordinative behaviour which involves collaborating with the other party in search of a mutually acceptable solution. The third strategy is the use of competitive behavior. This implies standing firm by one's demands and employing various tactics such as pressure, and threats to persuade the other party to concede. Threat is an instrument in the collective bargaining process and it is aimed at pressurizing the other party to concede. It may sometimes be used to drive the other party into negotiations. Threats in collective bargaining could be both productive and counterproductive in diverse ways.

In some countries an effort is made to distinguish between topics handled through collective bargaining and an additional range of topics, such as productivity, quality and amenities, which are to be handled participatively through works councils and the like. Hopefully these later discussions will take place in a non-adversarial atmosphere (Heller et al, 1998). There has been growing interest in new forms of negotiations which have been variously called 'integration', 'win-win' or mutual gains' bargaining (Fisher and Ury, 1981; Gyan, 2008). The hope is to make bargaining less adversarial and to develop more harmonious relations.

According to Armstrong (2006), the considerations to be taken into account in developing and managing collective bargaining arrangements are:

- (a) collective agreements;
- (b) the level at which bargaining should take place;
- (c) single-table bargaining where a number of unions are recognized in one workplace;
- (d) dispute resolution.

## 2.7 Industrial Democracy

Representatives of union members on management Boards (for instance, TEWU, representative on University Council in Ghana) is a clear manifestation of unions attempt to have more say in the management of their workplaces (Obeng-Fosu, 2007).

The term industrial democracy encapsulates the notion of the exercise of power by workers and their representatives over decisions within their place of employment, couple with a modification of the distribution of authority within the workplaces. Developments in industrial democracy are viewed as neither radical nor irreversible; and a high failure rate can be explained by the search for consensus coming up against the reality of conflict between the industrial relations parties (Poole, 1986).

There is a rule in Germany and several other countries called *Codetermination*. It means employees have the legal right to a voice in setting company policies. Workers elect their own representatives to the supervisory board of the employer, and there is a vice president for labor at the top management level (Gaugler, 1998; Castillo, 2000; Dessler, 2008). Carrel et al (2000), added that, managers' failure to include employees as part of the team, involve them in decision making, or even inform them of the business's status motivates employees to organize. Allowing workers to participate in job-related decisions has increased efficiency.

Strikes are often viewed as interfering with democratic procedures. Strikes could not only lead to the disregarding of democracy but also facilitation of collective participation. Rather than striking, employers feel that alternative methods should be utilized and these include profit-sharing schemes, consulting with the representatives or appointing directors for the workers. The European Community has made a provision for employees to be consulted and informed about various issues arising within an organization. These initiatives have been put across to encourage cooperation and reduce industrial action or strikes. The key objective of the provisions is to make sure that there is an effective partnership between employees and their employers (Beale, 2007).

## **2.8 Industrial Conflict**

Conflict is “a behaviour that is intended to obstruct the achievement or attainment of other person’s goal. Conflicts emanate from incompatibility of goals that can be found at individual, group and organizational level” (Mullins, 2006). Edwards (1992), however, defined industrial conflict as behavior which involves a clear dispute between manager and worker. According to Lewis and Trevitt (1995), industrial disputes occurs when the normal consultation procedure fail to produce an agreement or satisfactory solution. The term [industrial conflict](#) signifies the clash of interests, and resulting disputes of varying intensity, between individuals, groups and organisations in the industrial relations system. The relationship between the owners/managers and the workers/employees is often one of conflict. Conflicts may exist latently or manifest themselves overtly at every level of industrial relations. The overt forms of conflict are various and include absenteeism, sabotage, go-slows, work-to-rule, restriction of output, non-cooperation and industrial action (strikes, lock-outs, boycotts). Means of expressing conflict include absenteeism, quitting and sabotage (Edwards, 1992).

Conflicts in employment and industrial relations are a complex matter and there are a numerous factors affecting their latent presence and the propensity to conflict. The strike is the most extreme manifestation, but collective bargaining over a wage demand is also plainly a form of conflict in this sense; the strike is the continuance of bargaining by other means (Edwards, 1992). Negotiation and co-determination under the legal obligation of "social peace" and "trustful cooperation" lead to the neutralization of the workplace by moving conflict from the workplace to the industry level. These mechanisms channel and depoliticize conflicts, encourage professionalization of conflict management, lead to a higher predictability of behaviour and in the end serve the purpose of containing and dampening conflict. Conflict is an inevitable result of progress and change and it can be used constructively (Armstrong, 2006).

Industrial conflict arises when there is a change (Armstrong, 2006); or from sources such as job design, stress-related outcomes such as depression, burnout, and alcohol use as well as work-related outcomes like absenteeism, satisfaction, commitment, and turnover intentions (Rotondo and Kincaid, 2008).

## **2.9 Industrial Disputes**

The government plays a dual role in labour relations in Ghana. Firstly, as the largest employer in the country; secondly, as a third party in settling industrial disputes (Obeng-Fosu, 1999). However, with inception of the National Labour Commission (NLC) this dual role has been altered. The handling of disputes is now under the jurisdiction of the NLC. Government can be regarded as an actor within the industrial relations performing a number of distinct roles; the government through its agencies has a unique role as the law maker in labour relations. It has the power and authority to make and change rules and regulations governing labour relations in the country in consultation with other stakeholders. Workers in



Ghana are gradually losing confidence in the National Labour Commission (NLC), which is the only institution that deals with labour disputes, since a huge number of cases reported to the Commission have not been addressed. Since its inception in April 2005 to July 21, 2005, a total of 880 petitions on labour grievances had been received by NLC, but only a little over 200 had been settled (Frimpong, 2006).

An industrial dispute may be defined as a conflict or difference of opinion between management and workers on the terms of employment. It is a disagreement between an employer and employees' representative; usually a trade union, over pay and other working conditions and can result in industrial actions. When an industrial dispute occurs, both the parties, that is the management and the workmen, try to pressurize each other. The management may resort to lockouts while the workers may resort to strikes or picketing.

Globalization of businesses and trade is one source of dispute at the work place. Invariably, on an international scale, cultural differences could be a source of industrial disputes arising from the fact that local legal system may not be well understood by the international bodies working in a particular nation (Chan and Sue, 2005). There are two sources of disputes at the workplace. Firstly, disputes arise when the parties' knowledge and experience in the industrial law and management are not homogeneous. Secondly, when the parties involved lack solidarity arising from conflicting goals and objectives (Chan and Sue, 2005).

The causes of industrial disputes can be broadly classified into two categories: economic and non-economic causes. The economic causes will include issues relating to compensation like wages, bonus, allowances, conditions of work, working hours, leave and holidays without pay, unjust layoffs and retrenchments. The non-economic factors will include victimization of workers, ill treatment by staff members, sympathetic strikes, political factors, indiscipline etc.

The nature of Industrial Disputes may be either Individual or Collective labour disputes. In labour disputes over wages, in most cases workers do not agree with the amount of wages or with the established level of minimum wage. Also problematic are the conditions of payment of extra remuneration and the share of bonuses (extra remuneration) in the total wage. In their demands, the representatives of employees present the following main arguments: the work is valued too lowly; the wage is too low to secure normal living conditions; inflation is too high; and wages are greatly lower than in other places. Another source of dissatisfaction is high variability in wage levels in comparable jobs. With regard to cases related to collective agreements, the main problems include: employers that are not interested in concluding collective agreements and delay negotiations; problems with the implementation of agreements; failure to observe pay conditions; or differing interpretation of clauses in agreements (especially in cases when the ownership of enterprises changes) (Abrefa-Gyan, 2008).

## **2.10 Dispute Resolution in Industrial Relations**

Grievance processes provide unions and management a stipulated vehicle through which employees may pursue contentious issues with an assurance that doing so will not jeopardize their continued employment. Through grievance processes, disputes are subject to settlement without resort to higher cost resolution methods like strikes, slowdowns and litigations. This advantage has been recognized as a matter of national policy in some countries (Mills and Dalton, 1994). Writers such as Chan and Suen (2005) and Elangovan (2005) have agreed that there are three principal dispute resolution mechanisms which are negotiation, mediation and arbitration. These mechanisms are undoubtedly the most preferred methods in the world due to the backing of legislation of such mechanisms throughout the world, especially, the ILO.

Labour arbitration is established as the final stage of dispute resolution in virtually every collective bargaining agreement (Mills and Dalton, 1994).

A close look at dispute intervention shows that intervention process consists of a sequence of decisions (Elangovan, 2005) that needs to be handled resiliently. In the light of this Chan and Suen (2005) suggested that negotiation should be employed as the first method to resolve disputes. Unlike mediation and arbitration, negotiation does not involve a third party in the process of resolution. Resolving disputes through negotiation is an indispensable part of the work relationship between employees and employers. Another voluntary dispute resolution method is mediation, which requires a third neutral party known as a 'mediator' to facilitate the parties reaching a settlement. Both negotiation and mediation require concerted efforts and trust from both sides. It is only when the disputants have failed to negotiate a settlement that arbitration would be employed. Arbitration panels are made up of experts, sometimes including experienced experts from overseas, which improve the quality of hearings and awards (CAITAC, 2000). Arbitration is the most preferred method because of its binding effect with the backing of legislation. Compulsory arbitration seems to be the last resort in dispute resolution after negotiations and mediations have failed. When agreement cannot be reached, arbitration comes in. In Ghana, section 162 and 164 of the Labour Act 2003, (651) provides for compulsory arbitration by the National Labour Commission (NLC), after expiration of three days of negotiations, involving workers engaged in essential services.

## **2.11 The Labour Act 2003, (651) of Ghana**

The need to bring the then existing fragmented enactments on labour into conformity with the 1992 Constitution of the Republic of Ghana and the several ILO standards to which Ghana is a signatory and also to consolidate the several pieces of enactments on the subject into one statute, has engaged the attention of the social partners, namely, the Government, Employers



and their Organisations, as well as workers and their Trade Unions and Associations (Obeng-Fosu, 2007). The Labour Act, 2003 (Act 651), amends and consolidates the laws relating to labour, employers, trade unions and industrial relations. The Act establishes the National Labour Commission (NLC). It also provides for matters relating to these. The Act introduces provisions to reflect ratified ILO Conventions.

Section 1 states that, This Act applies to all workers and to all employers except the Armed Forces, the Police Service, the Prison Service and the Security and Intelligence Agencies specified under the Security and Intelligence Agencies Act 1996 (Act 526). The major provisions in the Act include the creation of public and private employment centres and agencies; protection of employment; general conditions of employment; hours of work; rest periods; employment of persons with disability; employment of women; employment of young persons; fair and unfair termination of employment; protection of remuneration; special provisions relating to temporary workers and casual workers; trade unions and employers' organizations; collective agreement; National Tripartite Committee; forced labour; occupational health, safety and environment; labour inspection; unfair labour practices; National Labour Commission; settlement of industrial disputes; and strikes.

The Act is the legal framework of industrial relations, and it seeks to establish a regime of stable framework for the settlement of industrial disputes. It contains a comprehensive set of procedures by which disputes are supposed to be resolved. These procedures are mandatory, which implies that parties must comply with it at the risk of punishment for violation.

Section 2 empowers the Minister to establish Public Employment Centres whilst section 3 outlines the functions of these centres. Section 12 provides for the contract of employment of workers who are employed for a period of six months or more, or for a number of working days equivalent to six months or more. Stipulated in section 15 are the grounds for

termination of employment. Section 33 gives the maximum hours of work as eight hours a day or forty hours a week, except in cases expressly provided for in the Act. Section 34 gives the different hours of work. Weekly hours of rest (forty-eight consecutive hours) in every seven days of normal working, is provided for in section 42. Section 102 outlines negotiations by negotiating committee or joint negotiating committee. Section 108 gives the provision for dispute settlement. In section 118, general health and safety conditions has been given. Section 135 establishes the National Labour Commission, referred in the Act as the “Commission”. The functions and independence of the Commission are stated in section 138. Section 160 (concerning strikes and lockout) states that a party to an industrial dispute may do so only after the expiration of seven days from the date of notice and not at any time before the expiration of that period. It also states that, if the dispute remains unsolved within seven days from the commencement of the strike or lockout, the dispute shall be settled by compulsory arbitration.

It is in section 163 that prohibition of strike or lockout in respect of essential services is stated. In the interpretation section (175), essential service include areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other services as the Minister may by legislation instrument determine. It is no doubt that GMA is an essential service provider since their actions could result in loss of life. GMA went on strike after negotiations broke down at an emergency National Executive Council meeting between GMA and Ghanaian authorities. The Ghana Coalition for NGOs in Health described the life-threatening action as “totally illegal and against the labour laws of Ghana”. They called on doctors to end the strike and or face legal action. They cited that the unresolved disputes should be settled by compulsory arbitration after it had been referred to the NLC. GMA still continued with the strike anyway. A statement issued by the GMA said it had “instructed all doctors to stop work and hold

themselves in readiness for further instructions” (Kokutse, 2011). Meanwhile, section 169 provides legal effect of lawful strike or lockout. Subsection 2 states, “No civil proceedings shall be brought against any worker, employer, trade union or employers’ organization or an officer or a member of such trade union or employers’ organization in respect of any lawful strike or lockout action taken in conformity with the provisions of this Act.” In the case of the GMA, the argument remains whether their strike action was lawful. It is however obvious in the Labour Law that essential service provider like the GMA violated the law when it embarked on strike actions despite prohibitions by the Act.

### 2.12.0 Strikes

Historically, Ghana for several decades, has witnessed organized strikes which have had unbearable effects on the various organizations and the country as a whole. Obeng-Fosu (2009) observed in his book, *Industrial Relations in Ghana* that, patterns of strikes in Ghana, before and after independence, shows that most of the strikes occur at the plant levels of establishment. These strikes occur at the time that settlement procedures have not been exhausted and sometimes without the knowledge of union officials.

Cascio (1992), asserted that, there is no *unqualified* right to strike. Carrell et al (2000), also agreed that strike is recognized as a basic union right. A strike is a very powerful weapon used by trade unions and other labor associations to get their demands accepted. It generally involves quitting of work by a group of workers for the purpose of bringing the pressure on their employer so that their demands get accepted. In free societies and industrial relations, strike is considered undeniable right of workers. Indeed, strike actions by workers in most parts of the world have had a long and turbulent history (Boudreaux and Milkovich, 2004).

The Labour Act of 2003 (Act 651) recognizes the right of individuals to freely associate with others in pursuit of their economic interest by way of joining a labour union and the importance of strike action as an essential tool for unionized labour in pursuit of their interests. There is no doubt that strikes have become quite sporadic in the 21<sup>st</sup> century. A number of organized labours sporadically embark on strikes. Recently, the Ghana Medical Association were on strike for nineteen days, bringing serious repercussions to the health sector and the state as a whole (Boateng, 2011). Interestingly, at the start of the doctors' strikes, the National Association of Graduate Teachers (NAGRAT) were also on their fifth day of turning their back on the classrooms. Other professional bodies and worker groups like the Laboratory and Pharmacist Associations and University Teachers Association of Ghana (UTAG) also joined in the strikes latter. Tertiary and Educational Workers Union (TEWU) of the Kwame Nkrumah University of Science and Technology (KNUST) were on strike for fourteen days and the Health Workers Union Association also threatened to go on strike within the next few days if their grievances were not addressed by the Fair Wages and Salaries Commission (FWSC). Surprisingly, all these strike actions were aimed at enhancing salaries and improving conditions of work.

In Ghana, strike actions by health workers in the public health sector have been recurring since independence. The rampant strikes by health workers in the public health sector are indicators that inherent problems may not have been solved satisfactorily. In every organization, there exists the possibility of disputes and these may occur in two major instances. The first situation may arise during negotiations for collective agreement when the parties are unable to reach an amicable settlement on any matter under negotiation. Secondly, disputes may arise at a work place when a worker becomes aggrieved on any matter concerning his / her terms of employment. When a dispute or an impasse arises over a matter



under negotiation, three things can happen: reconciliation or mediation, a strike or lockout or arbitration. If an impasse in negotiation is quite serious, a strike or lockout can take place.

‘Strike is an act of employees resulting in the discontinuation of work, thus, breaking their contract of employment’ (Beale, 2007). Dessler (2007), however simply puts it as a withdrawal of labor. According to the interpretation section of the Labour Act 2003, Act 651, sub-section (175), strike means any action by two or more workers acting in concert which is intended by them to restrict in any way the service they normally provide to the employer or diminish such service with a view to applying coercive pressure upon the employer. It includes sympathy strike and those actions commonly called work to rule, go slow or a sit down strike.

Lord Denning, in the case of *Tramp Shipping Corp. V. Greenwich Marine Inc.* defined strike as, “a concerted stoppage of work by men done with a view of improving their wages or conditions of employment or giving vent to a grievance or making protest about something supporting or sympathizing with other workmen in such endeavour.” Strikes are democracy’s hard-fought weapon against oppression (Curzon, 1995). This is because where no constructive option is available, only strike can empower the disempowered to fight injustice in oppressive situations (Siegel, 1994). Strike is defined as a concerted withholding of labour supply in order to bring economic pressure to bear upon the employee’s and / or the union’s demand (Boudreaux and Milkovich, 2004). Simply it is a refusal by employees to work. Strikes however, should be the last resort, following failure of other procedures such as obligatory mediation. Through mediation, it is possible to come up with a common pact or agreement between employees and employers. There are criticisms and arguments supporting and opposing this claim (Scrope and Barnett, 2008).

### **2.12.1 Economists’ View on Strike**



Authorities in Economics agree that strike is the concerted refusal of the members of the union to work (Lipsey, 1983; McEachern, 1988; Sharp et al, 2002). Mankiv (2001) also wrote that, strike is the organized withdrawal of labour from a firm by a union.

Unions are successful over the entire industrialised world. They have won the right to bargain with employers over wages and working conditions, their negotiating powers stems from their solidarity and the use of the STRIKE, the concerted refusal of the members to work (Lipsey, 1983; Lipsey and Harbury, 1988).

Wages might rise above their equilibrium level because of the market power of labour unions. Unions often raise wages above the level that would prevail without a union, perhaps because they can threaten to withhold labour from the firm by calling a strike. Because a strike reduces production, sales and profit, a firm facing a strike threat is likely to pay higher wages than it otherwise would. Economist who study effects of unions typically finds that union workers earn 10 to 20 per cent more than similar workers who do not belong to unions (Mankiv, 2001)

A union will tend to be stronger, the higher the proportion of workers in the industry that are its members; the greater the support of the membership; the higher the financial resources enabling it to withstand, if necessary, prolong strike actions (Lipsey and Harbury, 1988).

Typically, in collective bargaining, each side asks at first for more than it expects to get, and compromises must be made to reach an agreement. The union representatives take the agreement to their members, who must vote to accept or reject it. If they reject it, they may vote to strike or continue to negotiate. Collective bargaining is a power struggle. At each point in this negotiations, both the union and the employer must compare the costs (or benefits) of agreeing with the other party with the costs (or benefits) of continuing to disagree. The costs of disagreement are the costs of a strike, while the costs of agreement are

the costs of settling on terms other than one's own. The strength of the employers depends on their ability to withstand a strike (Mansfield, 1989).

According to McEachern (1988), strike is a major source of union power in the bargaining relationship. The purpose of a strike is to disrupt production and thereby impose costs on an employer to force acceptance of the union's position. The threat of a strike hangs over the labour negotiations and can serve as a real spur to reach an accord. The union's success in any strike depends on its ability to make the strike as costly as possible for the employer.

Samuelson and Nordhaus (1985) also asserted that, strike is the only real weapon of most unions to force concessions from managements. Contrary to common impressions, power to strike is used sparingly. Without the right to strike, a union's powers to bargain would be substantially altered. Generally, the government stays out of individual strikes, allowing unions and firms to battle it out unless the strike involve key functions or takes place on a nationwide scale in an important sector.

### **2.12.2 Sociologists' View on Strike**

Some writers have emphasized the 'alienation' of workers from the work process (Mills, 1956; Berger 1964). By this they mean the feeling of aimlessness, boredom and frustration generated by monotony of assembly line production. From this point of view strikes and other forms of industrial unrest tend to be interpreted as 'instrumental' behaviour. They express the worker's discontent, lack of commitment to the company and lack of job-satisfaction. ( McNeill and Townley, 1986).

Sociologists who operate with a subjectivist methodology have difficult in explaining the rapid shifts in workers consciousness that are typical of strike situations. Strikes are understood not as some irrational expression of workers 'anomie' but as the ultimate

collective sanction available to employees in response to a common situation. As sellers of labour-power, workers in the last instance can resort to only withdrawing that labour power. In earlier stages of dispute there are other sanctions that are available to them, such as overtime bans, working-to-rule, demonstrations, sit-ins, blacking goods, appeals to the public and various forms of sabotage. Some of these may be regarded as variations of strike action in that; they are either partial withdrawals of labour or threat to withdraw labour. Trade union activities, including strikes, is understood as series of strategies concerned to defend the interests of its members against attempts to undermine wage levels or working conditions (McNeill and Townley, 1986).

### **2.12.3 Causes of Strike**

The Labour Department's records on strikes reveal the following as main causes of strike actions: demand for increase in wages, non-payment of wages, unfavourable service conditions, delay in the implementation of collective agreement, dismissals, re-instatement of dismissed colleague, demand for payment of minimum wage, demand for payment of rent allowance, delay in the signing of collective agreement, delay by the Price and Income Board to approve negotiated collective agreement.

In three separate researches on industrial relations in Ghana, the data has shown that there are numerous reasons why Ghanaian workers embark on strikes, one of which is on perceived unfairness and lack of equity in determining working conditions (Coleman 1993, 1996, 1997). *Low Pay and Unfairness in the Health Sector Salary Structure is another cause of strike*. The importance of enhanced pay for workers cannot be overemphasized. As rightly noted by Baah (2007), there is hardly anything of more fundamental importance for workers as whether their pay are sufficient to provide their families with a reasonable standard of living. It is also worth stating that workers are not only concerned with the levels of their pay

but equally importantly, they are concerned about relative pay because they are key indicator of social status and esteem for workers.

Sometimes conflicts between management and the professional associations due to inadequate knowledge and skills to handle employee relations issues skillfully and sensitively results in strike actions. A typical instance is the salary negotiation between management of MoH/GHS and the leadership of health professional in 2006 which led to an impasse and the subsequent compulsory arbitration of the matter by the National Labour Commission (NLC). The poor manner, in which the negotiation was conducted, provides a clear evidence of the level of inadequate negotiating skills of the management (Gamey and Gamey, 2006).

Other causes of strikes according to Abrefa-Gyan (2008) are:

- Dissatisfaction with company policy
- Salary and incentive problems
- Increment not up to the mark
- Wrongful discharge or dismissal of workmen
- Withdrawal of any concession or privilege
- Hours of work and rest intervals
- Leaves with wages and holidays
- Bonus, profit sharing, Provident fund and gratuity
- Retrenchment of workmen and closure of establishment
- Dispute connected with minimum wages.

#### **2.12.4 Types of Strike**

There are several types of strikes and these can be categorized by the objectives they seek.

They include:

- (i) *An Economic Strike:* This is an action by the union of withdrawing its labour in support of bargaining demands, including pay increase and bonuses. It results from a failure to agree on the terms of a contract (Cascio, 1992; Dessler, 2005; Dessler, 2008). In these kinds of strikes, workers ask for increase in wages, allowances like traveling allowance, house rent allowance, dearness allowance, bonus and other facilities such as increase in privilege leave and casual leave. Most of the strikes by health workers in Ghana are related to economic.
- (ii) *Sit down Strike:* In this case, workers do not absent themselves from their place of work when they are on strike. They keep control over production facilities but do not work (Carrell et al, 2000). Such a strike is also known as 'pen down' or 'tool down' strike. Workers show up to their place of employment, but they refuse to work. They also refuse to leave, which makes it very difficult for employer to defy the union and take the workers' places.
- (iii) *Slow Down Strike:* Employees remain on their jobs under this type of strike. They do not stop work, but restrict the rate of output in an organized manner. They adopt go-slow tactics to put pressure on the employers (Carrell, 2000).
- (iv) *Sick-out (or sick-in):* In this strike, all or a significant number of union members call in sick on the same day (Carrell et al, 2000). They don't break any rules, because they just use their sick leave that was allotted to them on the same day. However, the sudden loss of so many employees all on one day can show the employer just what it would be like if they really went on strike.
- (v) *Wild cat strikes:* A wildcat strike is an unauthorized strike occurring during the term of a contract (Dessler, 2005, 2008). These strikes are conducted by workers or employees without the authority and consent of unions.



- (vi) *Unfair-labour Practice:* These are caused by unfair labour practices of the employer (Cascio, 1992; Dessler, 2005, 2008). That is when the union disagrees on how management is interpreting the contract or handling day-to-day problems such as discipline, promotion, transfers, etc.
- (vii) *Sympathy Strike:* When workers of one unit or industry go on strike in sympathy with workers of another unit or industry who are already on strike, it is called a sympathetic strike (Cascio, 1992; Carrell et al, 2000; Insch and Daniels, 2002; Dessler, 2005, 2008). The members of other unions involve themselves in a strike to support or express their sympathy with the members of unions who are on strike in other undertakings. They may also be refusals by employees on bargaining unit to cross a picket line of a different bargaining unit (e.g. when more than one union is functioning at employer's plan)

Strikes may also differ in terms of the percentage of employees who refuse to work. A total strike takes place when all unionized employees walk out. If only a percentage does go, the result may be a partial strike, semi-strike or slowdown. In a slowdown, all employees come to work but they do little work. The unions insist on all work rules being followed to the letter, with the result that output slows down. This is also called 'working to rule'. In a partial strike, many employees strike but others come to work.

#### **2.12.5 Health Workers and the Right to Strike**

In Ghana, the National Labour Act of 2003 (Act 651) restricts strikes in essential services of which health service is part. Under the Act, every dispute resolution that ends up in a deadlock must be notified to the National Labour Commission (NLC) within seven days, after which the dispute shall be determined by compulsory arbitration. Thus even though

strikes are not outlawed in Ghana, the procedure laid down by law makes it almost impossible for health workers to have a legal strike (Tetteh, 2011).

Under the Act essential services includes persons working in an area where an action can lead to particular or total loss of life or pose a danger to public health safety. Under section 163, such workers are prohibited from going on strike.

The GMA dispute initially begun with agitation over payment of feeding fees by junior workers. They said countless efforts to get Management to resolve the issues had gone unheeded. Management counter-argued that it was illegal for the doctors to embark on the strike action as stipulated in section 161 of the New Labour Law and cited their 10 days vacation without permission clause and threatened to apply it which will warrant summary dismissal. Junior doctors at the Koforidua Regional Hospital then withdrew their services to back their demands for the payment of five months' salary arrears and said they would restore their services only when their salary arrears are paid in full. In view of persistent public pressure and in order not to break their front, the GMA met and voted by 170 to 28 votes to continue their strike (Ghanaweb, 2006).

The GMA then went on a public relations and sustained communication offensive and said that their members were worried about the health of patients but were of the view that a hungry and worried doctor could not offer the best of care to a patient. The Management of GHS, then appealed to the junior doctors to call-off their strike action with an assurance that the government was taking measures to solve their problems. These were unpaid new salaries plus two months arrears of the Additional Duty Hours Allowance (ADHA), in June (Graphic, 2006; GNA, 2006; GHP, 2006). In reviewing the complaint, the NLC panel observed that the report relied on the principle of equal pay for equal work, a persuasive argument which although reasonable, was not legally binding for enforcement by any adjudicating body like

the NLC, since it had not been made part of the laws of Ghana, in accordance with Article 75 of the 1992 Constitution. The NLC panel also decided that the workers' groups were right in pointing out that medical officers who were put in the same band with other professionals should have received almost equal pay, bearing in mind the job evaluation scores of the consultant (Graphic, 2006, Myjoyonline, 2006).

#### **2.12.6 Effect of Strike on Health Care System in Ghana**

Strike actions when managed constructively, can have a positive effect by creating awareness that a problem needs solving, encouraging reforms, increasing motivation and energy to take action and improve better relations. For instance, the long strike by doctors in the public health sector in 1999 led to an introduction of Additional Duty Allowance (ADHA) for health workers (Cedar Care Trust International et al, 2005). Again the continuous strike actions embarked in 2006 by Health Workers Group (HWG) made up of Ghana Registered Nurses Association (GRNA), The Government and Hospital Pharmacists Association (GHOSPA), Association of Health Service Administrators in Ghana (AHSAG), Health Accounting Staff Association of Ghana (HASAG) and other health professional associations brought about reforms in the health sector salary structure (National Labour Commission, 2006).

While this is the case, strike can also have a devastating effect. A major concern with frequent strike by health workers in the public health sector is that it destabilizes the country's fragile health system and undermines the health development efforts thus contributing to poor health outcomes. In 2006 for instance, available records indicate that the continuous strike actions embarked upon by the health workers contributed to the poor performance of the health care delivery in the country. According to the records, outpatient per capita, in-patient admissions and the health care utilization in general as well as many other indicators suffered decline in 2006 due to the strike actions (Ministry of Health, Ghana,

2007). At the Korle-Bu Teaching Hospital in Accra, a patient suffering from prostate cancer who was supposed to be admitted for surgery turned away without any medical attention (Kokutse, 2011)

Rampant industrial conflicts and strikes have a huge impact on public sector effectiveness and efficiency. This also affects the implementation of public policies. The government should not under-estimate the impact of such strikes in social and political-economic terms. Strikes discourage investment.

Thus, even though strike can sometimes serve as a catalyst of action and an effective tool for health workers to influence change in the health sector, the rampant strike actions pose a major challenge that undermines progress in the health sector (Tetteh, 2011).

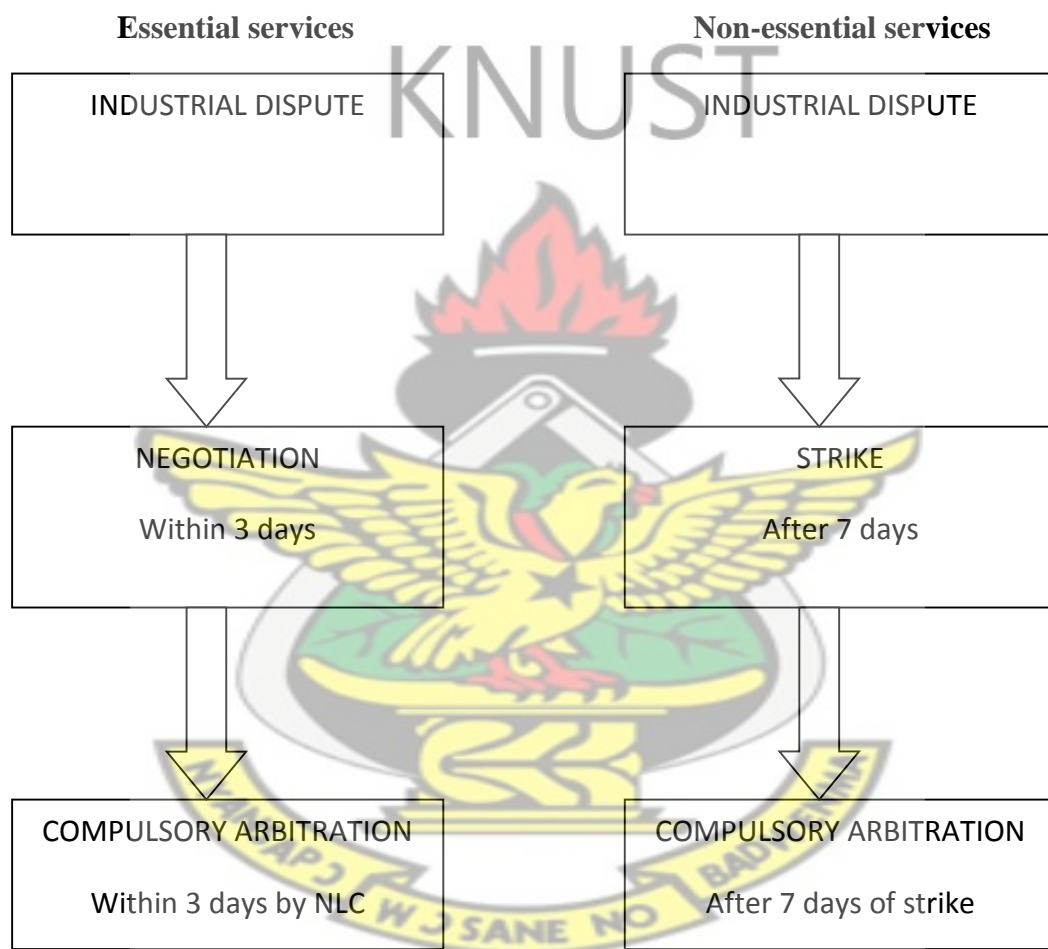
#### **2.12.7 Strategies to Address Rampant Strikes in the Public Health Sector**

In the light of the issues raised above, it is proposed by Ankomah (2009), that the following measures should be considered by the Authorities in addressing rampant strikes in the public health sector:

- (i) *Enhancing the Pay for Health Workers;*
- (ii) *Improving Condition of Service for Health Workers;*
- (iii) *Improving Employee; Relation;*
- (iv) *Education;*
- (v) *Improving Communication;*
- (vi) *Enforcement of Regulations;*
- (vii) *Building Trust in the System.*

## Conceptual Framework

### THE LABOUR LAW 2003 (ACT 651) AND DISPUTE RESOLUTION PROCEDURES: ESSENTIAL SERVICE PROVIDERS VS NON-ESSENTIAL SERVICES



**Figure 1:** The Labour Law 2003 (Act 651) and Dispute Resolution Procedures: Essential Service Providers vs. Non-essential Service Providers.

**Source:** Researcher's own idea/conclusions of the provisions of the Labour Act 2003 (Act 651); Section 160 (1, 2) and Section 162 (1, 2 and 3).



Under the act, essential service providers are prohibited from striking. When there is a dispute, it must be settled within 3 days. If after 3 days it remains unresolved, it shall be referred to the NLC within 24 hours for compulsory arbitration. Thus, legally, strike is omitted for essential service providers.

On the other hand, non-essential service providers can strike after 7 days' notice when there is a dispute. After 7 days of strike, the dispute would be settled by compulsory arbitration.

# KNUST



## **CHAPTER THREE**

### **METHODOLOGY AND ORGANIZATIONAL PROFILE**

#### **3.0 Introduction**

This chapter focuses on the methods used in the research which aimed at investigating into the strikes of the Ghana Medical Association (GMA). The chapter presents the sources of data, population of the study, sampling techniques and the data analysis techniques used by the researcher to answer the research questions. Finally, the chapter outlines the profile of the Ghana Medical Association.

#### **3.1 Sources of Data**

The research made use of both primary and secondary data.

##### **3.1.1 Primary Data**

The primary data was from interviews and administered questionnaires, which were given to the sampled respondent to answer.

##### **3.1.2 Secondary Data**

Secondary data was mainly from facts and figures from National Labour Commission, Journals and relevant literatures that were reviewed on the topic. Documents that were collected from the executives of the GMA were also used. Literature on general topics such as industrial relations especially labour laws and regulations in industrial relations and other labour issues were reviewed so as to compare the current labour laws and how well it can help to reduce strikes as much as possible. Journals were also used to enrich the research.

### **3.2 Study Population**

GMA currently has about 1700 members. The targeted population was primarily the Ashanti Regional Division of GMA. The division includes a maximum of eleven executives while the rest are non-executive members.

#### **3.2.1 Sampling Size**

A sample size of 313 respondents were selected which comprised all the 11 executive members in the Ashanti Regional Divisional Executive Committee and 302 non-executive members of the association. This sample size was adopted in agreement with Kirk (1995) which suggests that a population of about 1700 should have about 313 sample size for the study to be appropriate. The response rate was 80%. Though high, refusal to respond to interviews poses a major problem in research work.

### **3.3 Sampling Techniques**

Two sampling techniques were adopted for this study: convenience sampling and purposive sampling. Purposive sampling was used because it helps to use one's judgment to select cases that will best enable the researcher answer the research questions and to meet the outlined objectives. Purposive sample was used because the researcher is working with very small sample size (Saunders et al, 2009). The Ashanti Regional Divisional Executive Committee of the GMA was purposively chosen for the study. The purposive sampling was adopted because of the fact that the various Divisions are wide and far from each other (scattered through-out the various regions of Ghana). The selected division was administered with a questionnaire to verify the consistency of the executives' knowledge in industrial relations of Ghana with that of the divisional non-executive members.

A convenience sampling technique was also employed to select from the remaining members of GMA who are not executives. Convenience sampling is often used to represent the total population (Saunders et al, 2009). To achieve this, the Ashanti Regional Division of the GMA, Kumasi, Obuasi, Bekwai, New Edubiase and Ejisu to be precise, were selected for the study. This is due to the proximity to the researcher and the fact that the Kumasi offices contain the executives that represents the region in matters of negotiation and bargaining with the government. To this end, the researcher contacted doctors in some public and private hospitals in Ashanti Region, among which are Komfo Anokye Teaching Hospital (KATH), Obuasi Government Hospital, Bekwai Government Hospital, New Edubiase Government Hospital and Ejisu Government Hospital.

### **3.4 Data Collection Instruments**

The data collection instruments adopted for this study were through the use of questionnaires and interviews. Structured interviews were used for the research. This is because structured interviews help to collect quantifiable data (Saunders et al, 2009). Some few open ended questions were used. This was to encourage the respondents to provide their free responses (Naoum, 2007). Close ended questions were mostly used as they are easy to ask and quick to answer. Close ended questions were also used because they require no writing by either respondent or interviewer, and their analysis is straightforward (Nachmias and Nachmias, 1996).

#### **3.4.1 Questionnaire**

Questionnaires administered were the main instrument used for the primary data collection. Questionnaires were used because of its convenience and freedom in answering (Naoum, 2007). The questionnaires were generated from the objectives of the study and the research questions. The questionnaire is relevant to the literature and objectives of the study. The

choice of this technique was based on the fact that it was the most convenient tool to use to extract the needed information from a literate sampled population. Closed and opened ended questions were used in the questionnaire to elicit information from the respondents. Information on the organization and the procedures they use in negotiations and bargaining were among the information gathered from the executives.

### **3.4.2 Interview**

Structured interviews were also used for the primary data. The interview questions were based on the objectives of the study and the research questions. They were predetermined and standardized.

### **3.5 Data Analysis Techniques**

Data analysis was done through the use of graphs and tables and analyzed and presented through the use of Microsoft Word and Microsoft Excel. In addition to that, a comparison of data was also done in order to ascertain whether the information gathered from the executive was the same as those provided by the National Labour Commission or the labour offices in the country and the literature reviewed.

### **3.6 GMA Organizational Profile**

#### **3.6.1 A Brief History**

The first organized group of African doctors in Ghana was the Gold Coast Medical Practitioners Union which was formed in 1933 to act as a vehicle for redressing grievances of African medical officers in government employment. It was jointly founded by three Ghanaian doctors namely F. V.Nanka -Bruce (President and Spokesperson), C. E. Reindorf and W.A.C Nanka Bruce with J.E. Hutton Mills as secretary. Subsequently in January 1953, the Ghana Branch of the British Medical Association (BMA) was inaugurated following the



formation of an African government in 1951. Five years later, on January 4, 1958, the Gold Coast Medical Practitioners Union and the Ghana Branch of the British Medical Association officially ceased to exist having been amalgamated to form the Ghana Medical Association. With an initial membership of forty, the GMA was inaugurated at the Arden Hall of the Ambassador Hotel at Accra by Dr Kwame Nkrumah, Ghana's first President, then the Prime Minister with Dr C. O Easmon as its first President.

With a current membership of over 1700, the GMA is housed in a modern secretariat in Korle-Bu opposite the auditorium of the University of Ghana Medical School. The GMA is made up of ten Divisions whose Chairmen together with the National Executive Committee and a representative each from the Society of Private Medical and Dental Practitioners, Ghana Dental Association and the Junior Doctors Society, constitute the National Executive Council. The National Executive Council meets every other month to deliberate on matters affecting the association. The highest decision making body of the Association is the General Assembly which meets at the Annual General Meetings held in different parts of the country.

### **3.6.2 Philosophy**

1. The Association affirms that health is a right and must be made accessible, equitable, affordable, and appropriate and safe at all times to all the people in Ghana.
2. The Association is committed to partnerships and collaborations with all Professions and Groups interested in promoting optimal health for the people of Ghana.
3. The Association affirms the belief that the health of the people of Ghana means the total well being of the people and not the mere absence of disease.
4. The Association is committed to the welfare of members and other health professionals as essential to achieve and sustain optimal health care delivery in Ghana.

### 3.6.3 Goals and Objectives

1. To continuously promote good health amongst all people, through participation in the development and maintenance of the highest possible standards of healthcare delivery in Ghana.
2. To seek the total welfare of members of the Association.
3. To maintain the honour, dignity and professionalism of the medical and dental professions.
4. To develop partnerships with all stakeholders who subscribe to and support the philosophy of the Association.
5. To remain true to the philosophy of the Association in carrying out its activities at all times

### 3.6.4 Decision Making Structure of GMA

The General Assembly is the highest decision making body of the Association. The National Executive Council is responsible to and derives its powers from the General Assembly. The members of the Association are grouped into local bodies known as Divisions which is responsible to Council and subsequently to the General Assembly. The Association has Committees and Sub-committees that facilitate its work at the various levels.

## CHAPTER FOUR

### DATA PRESENTATION ANALYSIS AND DISCUSSION

#### 4.0 Introduction

This chapter presents the findings of the questionnaires elicited from the respondents, made up of GMA executives and members. Data analysis was done through the use of graphs and tables and analyzed and presented through the use of Microsoft Excel.

#### 4.1 Respondents Profile of GMA Executives

The profile of the executives of GMA was aimed at determining their background in terms of sex, level of education, age, length of service and position held. The researcher believed that these characteristics may have a direct or indirect impact on the decisions they take and the activities they carry out. From the data collected, it was realized that there was a male dominance of 73% of GMA executives in Ashanti Region with just 27% being females.

It was also revealed that 46% of the executives are within the age group 36-45 year, 27% are between 46-55 years, 18% within 25-35 years and 9% are 56 years and above as displayed in table 4.1 below.

Table 4.1 Age of Respondents

Age Group	Number of Respondents	Percentage
25-35	2	18%
36-45	5	46%
46-55	3	27%
56 and above	1	9%

The data gathered also showed that 55% of the executives have their masters or second degrees, 27% have their doctorate degrees while 18% possess only first degrees. This is shown in table 4.2

Table 4.2 Educational Level of Respondents

Degree	Number of Respondents	Percentage
Bachelor	2	18%
Masters	6	55%
Doctorate	3	27%
PhD	0	0%

It was also revealed that 37% of the executives have served between 11-20 years, 27% have served between 21-30 years, 18% have served between 1-10 years, 9% have served for less than 1 year while 9% have served for 31 years and above as shown in table 4.3.

Table 4.3 Length of Service of Respondents

Length of service (in years)	Number of Respondents	Percentage
Less than 1 year	1	9%
1-10	2	18%
11-20	4	37%
21-30	3	27%
31 and above	1	9%

The leadership of the Ashanti Regional Division of GMA consists of the Divisional Chairman, Divisional Vice-Chairman, Immediate Past Chairman, Divisional Secretary, Assistant Divisional Secretary, Divisional Treasurer, two Executive Members, and three

representatives consisting of: The Regional Chairman of Society of Private Medical and Dental Practitioners, The Regional Chairman of Ghana Dental Association, and The Regional Chairman of Junior Doctors Association. This has been presented below in table 4.4.

Table 4.4 Positions of respondents

Position	Frequency	Percentage
Chairmanship	3	28%
Secretary	2	18%
Treasurer	1	9%
Executive Members	2	18%
Other Medical Representatives	3	28%

#### 4.2 The Labour Act 2003, Act 651

The Labour Act is one statute that engages the attention of the social partners, namely, the government, employers and their organizations, as well as workers and their trade unions (Obeng-Fosu, 2007). In order to ascertain the knowledge base of the executives of GMA in the Labour Act, respondents were asked during the interview session whether they have copies of the Labour Act 2003 (Act 651). It was revealed that the majority of the leadership of GMA (73%) do not have copies of the Labour Act as only 27% have copies. This is very disturbing as the leaders cannot be conversant with the Labour Act if they do not have copies.

Interestingly, 55% of the respondents noted that their knowledge level in the Labour Act is average. Thirty-six percent have low knowledge level while only 9% have high knowledge in the Labour Act, as shown in figure 4.1 below. This is no wonder as majority of the executives do not even have copies of the Labour Act.



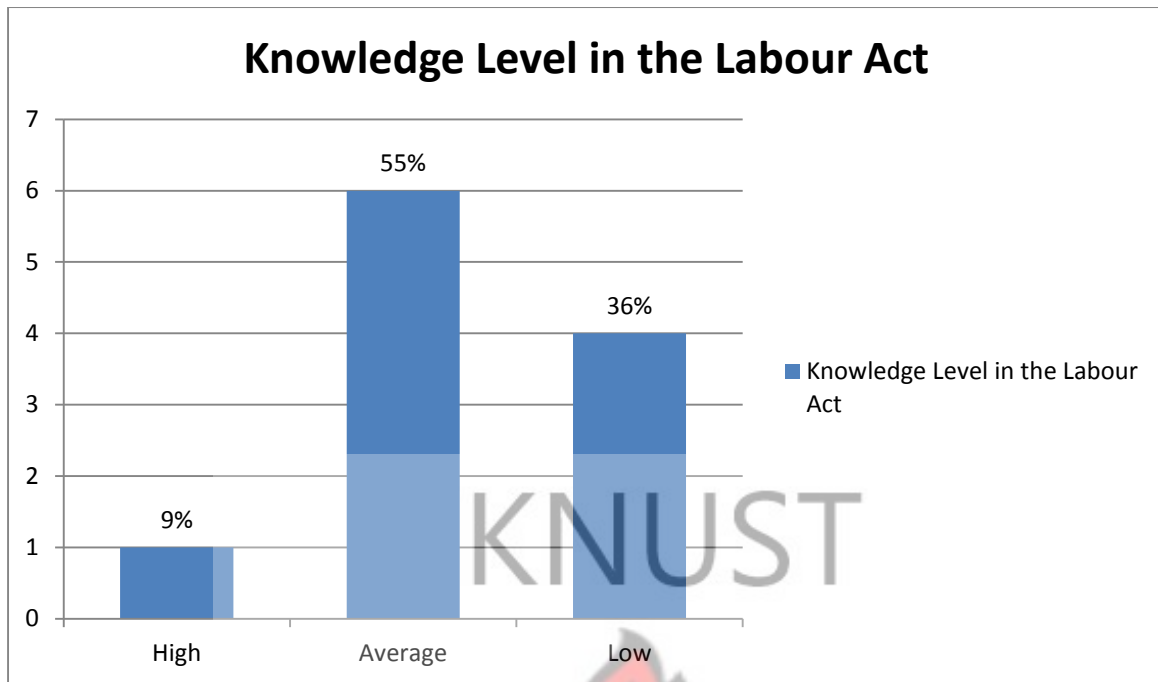


Figure 4.1 Knowledge Level of Respondent in the Labour Act

As to the frequency of reading or using the Labour Act, none of the executives admitted reading it very often as only 9% reads it quite often. Fifty-five percent do not read it often while 36% do not read it at all. Figure 4.2 portrays this. This is a serious issue that needs urgent attention since GMA is a very strong union in Ghana. Their ignorance in the Labour Act could cause unpleasant consequences if measures are not put in place to address this issue.

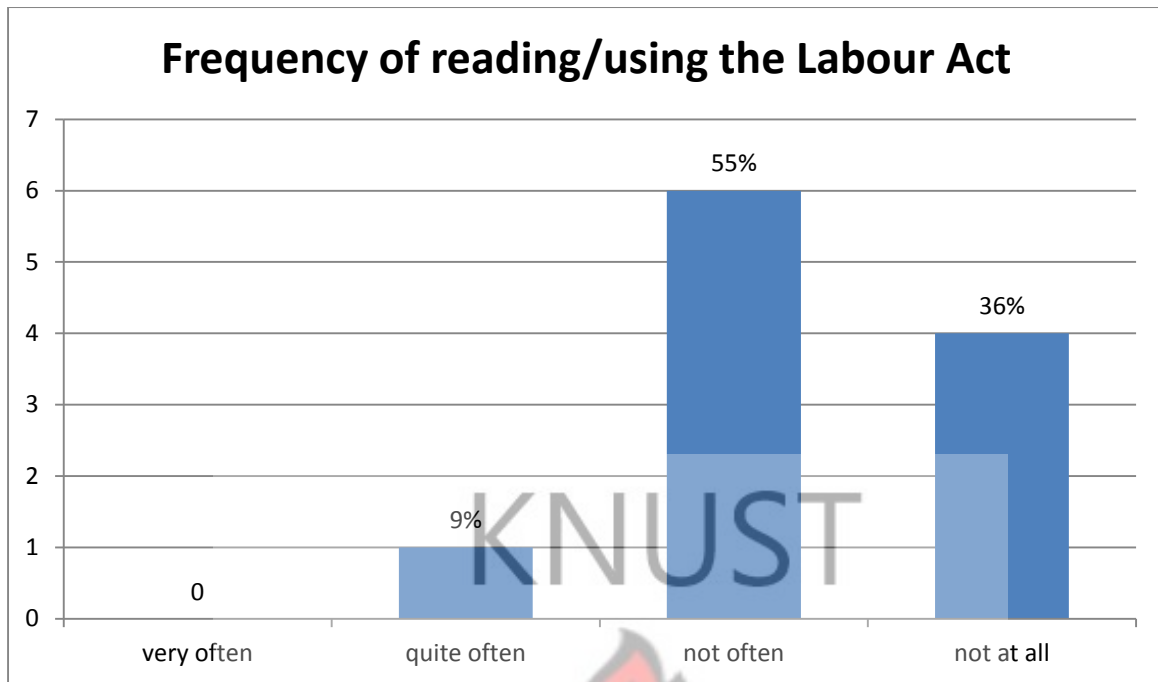


Figure 4.2 Frequency of Reading/Using the Labour Act

Gathered data also showed that 75% of respondents received no training in the Labour Act before their appointment; which means, only 25% were trained in the Act before their appointment. This may mean that majority of the executives are not conversant with the Labour Act, which is a serious issue.

It was assumed that if respondents had no training prior to their appointment, then they may have it afterwards. Respondents who were asked whether they received any training in the Labour Act after their appointment showed that only 36% had. It means that 64% had no training after appointment. This is still disturbing as the Labour Act is the regulatory statute of all industrial issues.

Respondents were asked whether the Labour Act has brought industrial harmony between their union and their employer. As shown in figure 4.3, only 18% said yes; 36% said no while 46% were not sure whether to say yes or no, so they said somehow. This means that

according to GMA, the Labour Act has not brought any great harmony between their union and their employer.

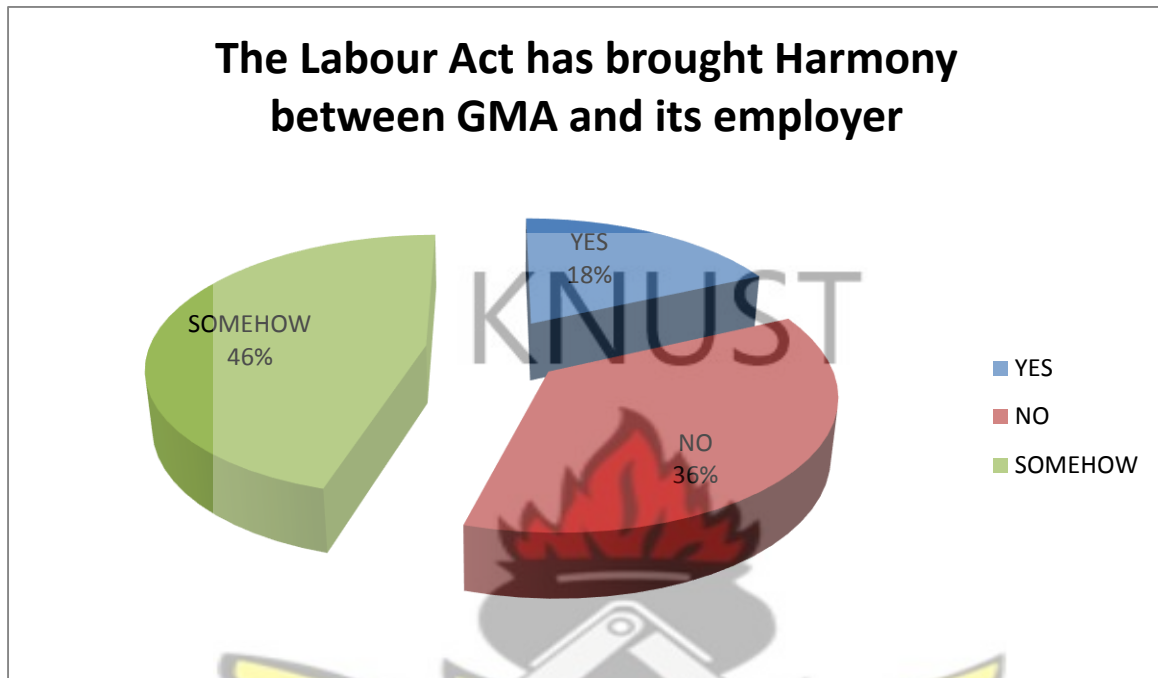


Figure 4.3 The Labour Act has brought harmony between GMA and its employer

Also concerning the Labour Act, respondents were asked whether their union follow the laid down procedures. As depicted in figure 4.4, 55% said yes, 36% were not sure (somehow) and 9% said no. This is very interesting as GMA still strikes and claims to follow the Labour Act, which prohibits them from taking strike actions.

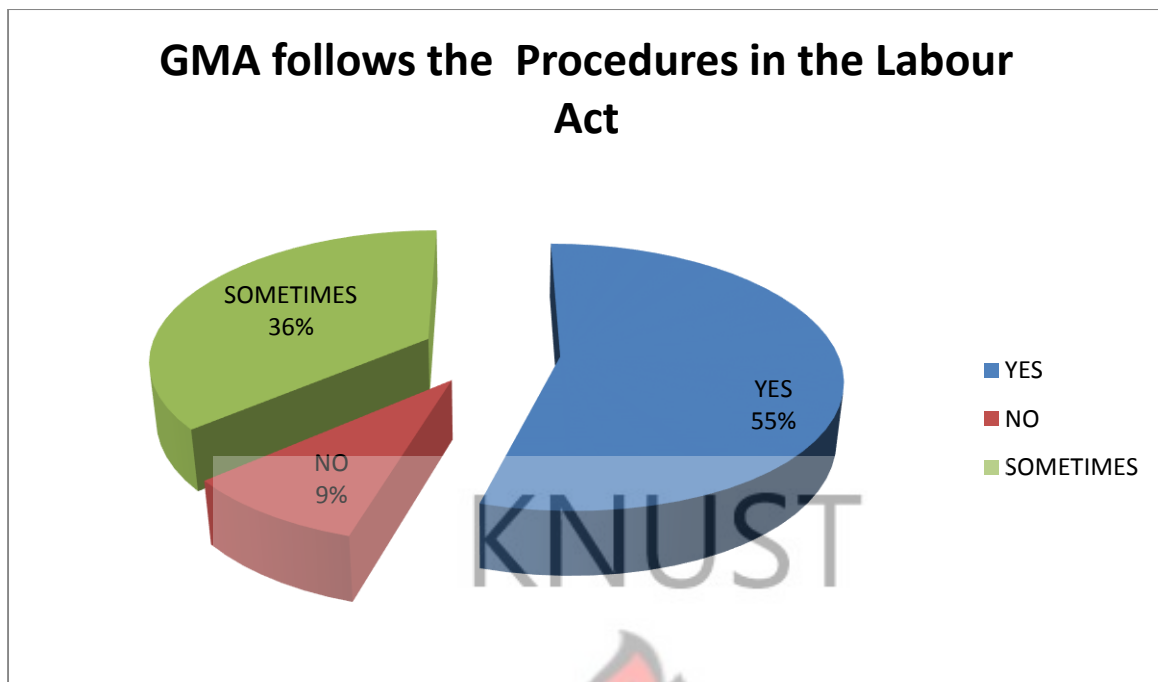


Figure 4.4 GMA follows the laid down Procedures in the Labour Act

Through grievance processes, disputes are subject to settlement without resort to higher cost resolution methods like strikes, slowdowns and litigations (Mills and Dalton, 1994). In the light of this respondents were asked in an interview whether they have dispute resolution procedures and as much as 82% responded in the affirmative. Only 18% said no.

When asked the industrial action likely to be undertaken by GMA when there is a deadlock over an industrial issue, 64% admitted that they will resort to strike actions while 18% will work to rule and the remaining 18% will choose go slow, as seen in figure 4.5. This is in agreement to what Edwards (1992) noted, that, the overt forms of conflict are various and include absenteeism, sabotage, go-slows, work-to-rule, restriction of output, non-cooperation and industrial action (strikes, lock-outs, boycotts).

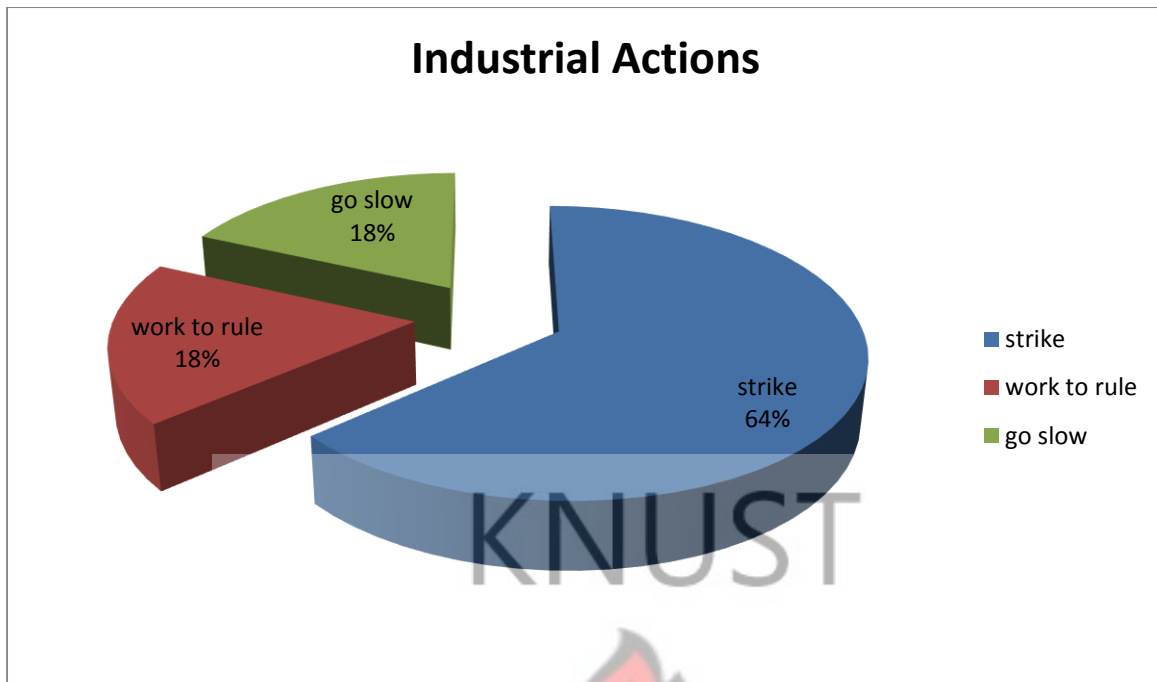


Figure 4.5 Industrial Action Likely to be taken when there is a deadlock

Figure 4.6 shows that 64% of the executives revealed that negotiation is the first process GMA goes through when there is a dispute, 9% said arbitration is the first process, 18% said mediation whiles 9% said strike is the first process. The majority of GMA executives revealed that negotiation is the first process they go through when there is a dispute in consonance with Chan and Suen (2005) who suggested that negotiation should be employed as the first method to resolve disputes.



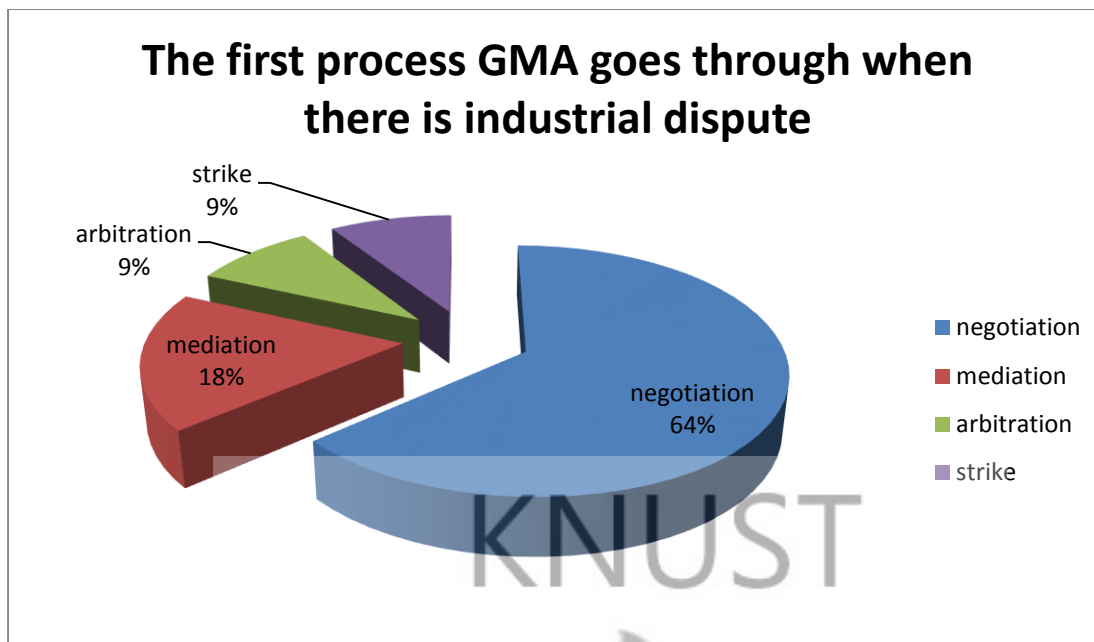


Figure 4.6 The first process GMA goes through when there is a dispute

Displayed in figure 4.7 is the order of processes GMA goes through before embarking on strikes. It shows that the majority (64%) affirm that Negotiation and Arbitration are the processes GMA goes through before striking; this is in agreement with Section 162 (1 and 2) of the Labour Act which provides that industrial disputes affecting workers engaged in essential service should be settled by compulsory arbitration after negotiations have failed. The only thing contrary to the Act is the strike actions by GMA. Eighteen percent chose Negotiation and Mediation as the processes GMA goes through before embarking on strikes; 9% each of the respondents went for Negotiation, Mediation and Arbitration and Mediation and Arbitration respectively, as the order of processes GMA goes through before embarking on strikes.

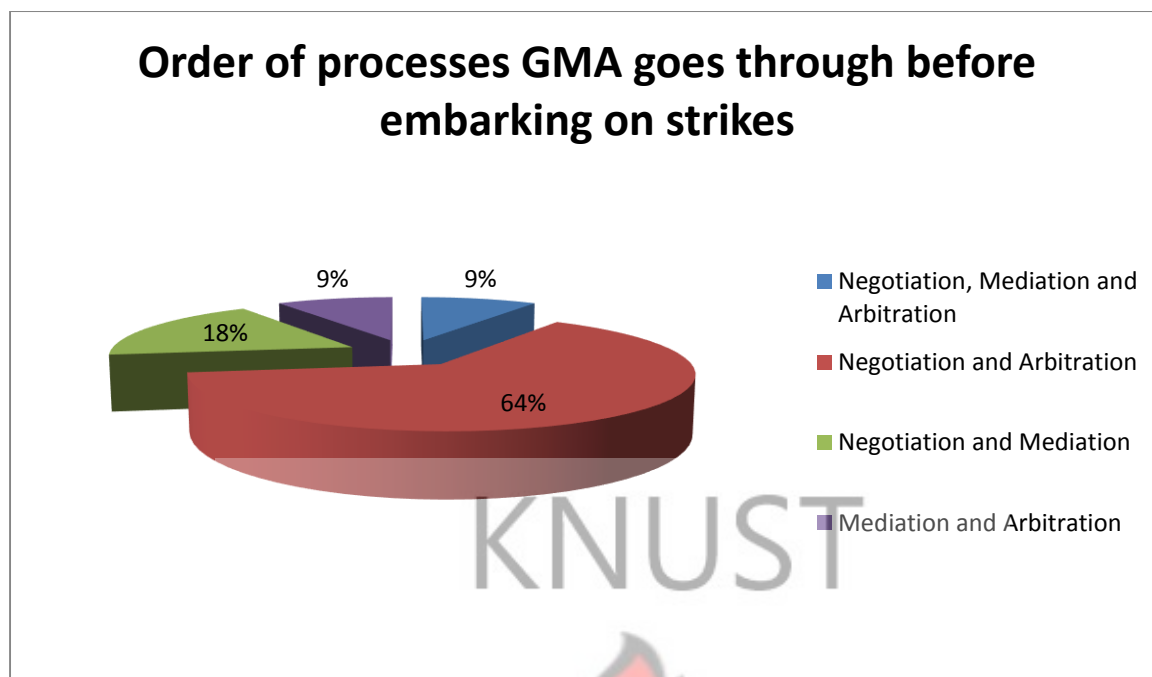


Figure 4.7 Order of processes GMA goes through before embarking on strikes

Coleman (2006) noted that a key purpose of collective bargaining is to protect the interests of the parties by entering into an agreement. It was revealed that, 82% of the executives affirmed that GMA has a Collective Bargaining Certificate; 18% however said GMA does not have a bargaining certificate. This gives GMA the legal right to bargain with their employers (the government) on issues in their collective agreements.

The Labour Act 2003 (Act 651) of Ghana restricts strikes in essential services (section 163). In the interpretation section (175), essential service include areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other services as the Minister may by legislation instrument determine. It is no doubt that GMA is an essential service provider since their actions could result in loss of life. It was revealed that, 82% of the executives strongly agree that GMA is an essential service provider whiles 18% just agree that GMA is an essential service provider. None of them disagrees to this fact.

It was also revealed that 64% of the leaders strongly disagree that GMA can strike under the Labour Act, 27% disagree that the Act permits strikes by GMA while 9% slightly disagree that GMA can strike under the Labour Act as shown in figure 4.8. This means that they are aware of section 162 (1, 2 and 3) of the Labour Act that prohibits essential service providers from striking.

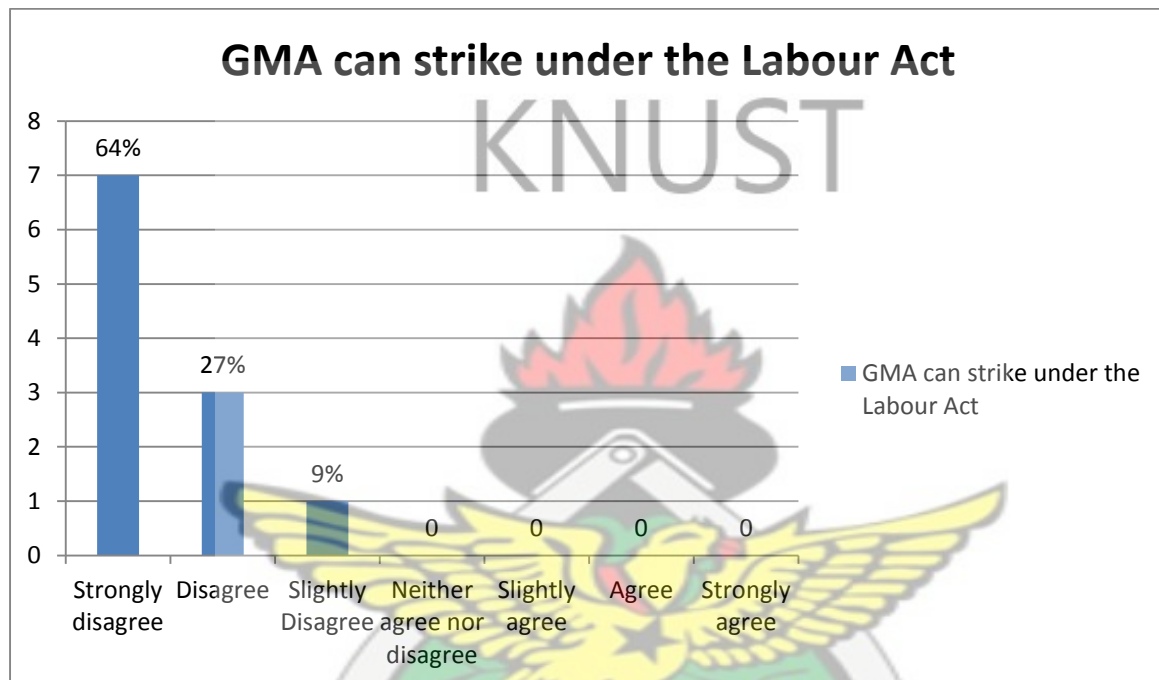


Figure 4.8 GMA can strike under the Labour Act

The leaders however agree that other workers like teachers and civil servants can go on strike after negotiation and mediation. Thus, 73% strongly agree, 18% agree and 9% slightly agree to this fact, as shown in figure 4.9. This means that, the leaders of GMA are aware of section 160 (1, 2) that non-essential service providers can strike after 7 days' notice when there is a dispute. After 7 days of strike, the dispute would be settled by compulsory arbitration.

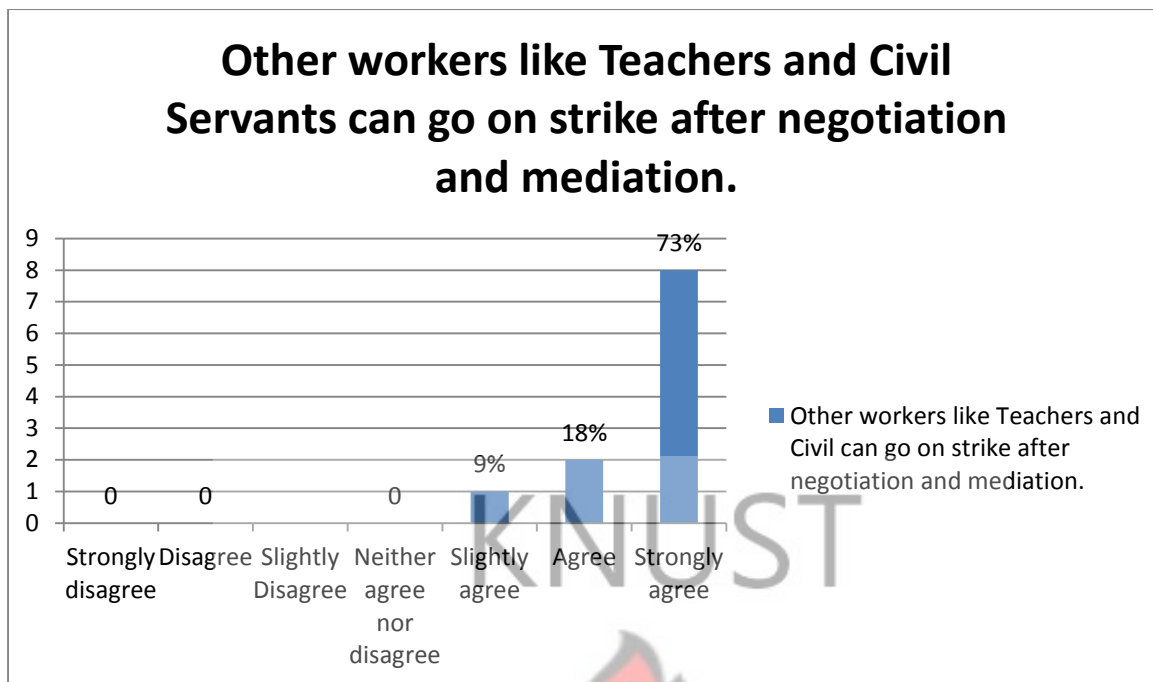


Figure 4.9 Other workers like Teachers and Civil Servants can go on strike after negotiation and mediation.

However, most of the leaders of GMA have not read the Labour Act personally: 46% strongly disagree and 27% disagree that they have read the Labour Act personally. About 18% agree while 9% slightly agree to have read the Labour Act personally as shown in figure 4.10 below. This reveals that most of the leadership of GMA have not even read the Labour Act. This is a serious issue that must be addressed since the shallow knowledge of the leaders in the Labour Act can influence the entire association.

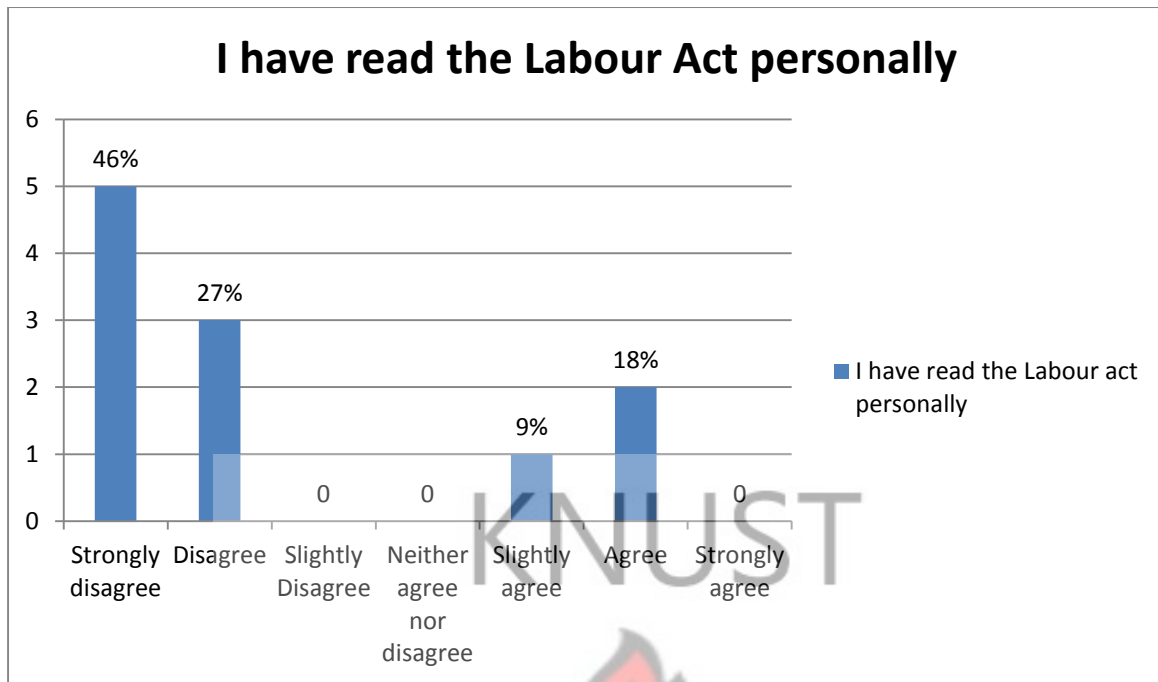


Figure 4.10 I have read the Labour Act personally

The Labour Act is one statute that engages the attention of the social partners, namely, the government, employers and their organizations, as well as workers and their trade unions (Obeng-Fosu, 2007). It was unfortunately revealed in the research that, GMA has not taught most of its members about the Labour Act. This is made evidenced in figure 4.11 where 46%, 27% and 9% strongly disagree, disagree and slightly disagree, respectively, that GMA has taught most of its members about the Labour Act. Only 18% slightly agree that GMA has taught members about the Labour Act. This may account for the limited knowledge level of GMA members in the Labour Act.



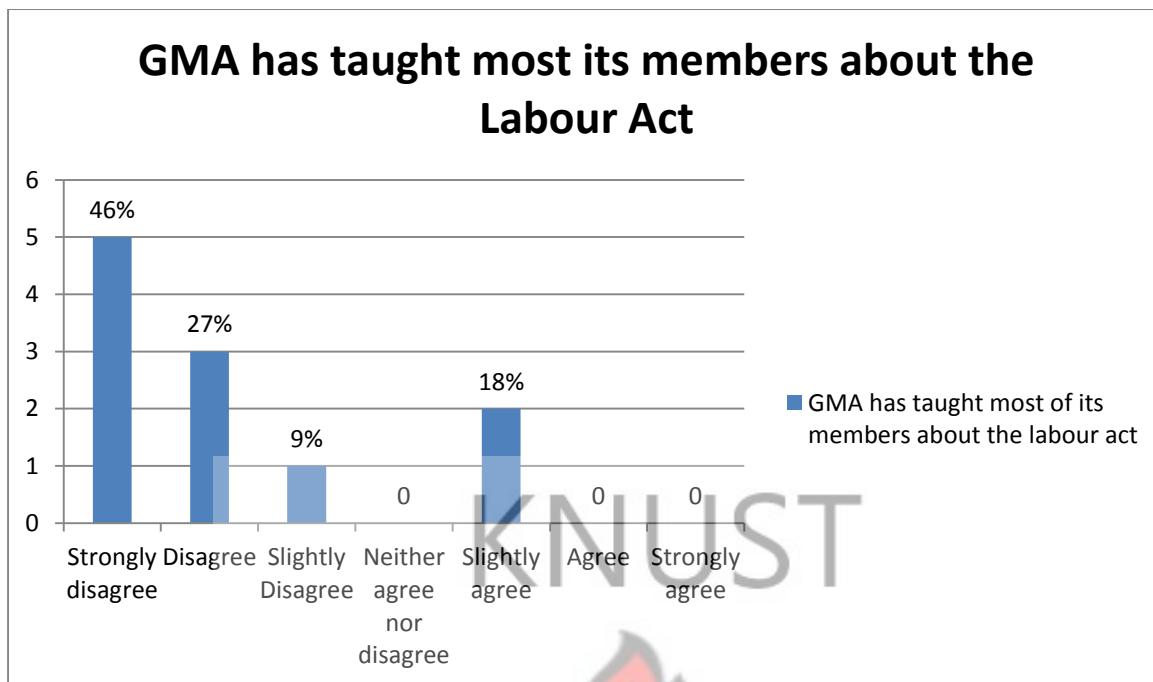


Figure 4.11 GMA has taught most of its members about the Labour Act

#### 4.3 Challenges to strikes of GMA

GMA faces challenges with regards to the right to strike. Most of the leaders (91%) revealed that GMA faces challenges with regards to the right to strike. Only 9% of the respondents said otherwise.

These challenges are there because the government and society see GMA as essential service providers who do not have the legal right to strike. This is because it is so obvious that they hold the Law in contempt anytime they strike or threaten to strike since the law forbids them of such actions (Section 163 and 175). This seems to be in variance with Carrell et al's (2000) assertion that strike is recognized as a basic union right. The research revealed that 91% and 9% strongly agree and agree respectively that the Labour Act is the main challenge to their strike actions.

However, the leaders of GMA revealed that other laws of Ghana do not pose much challenge to their strikes. Figure 4.12 shows that 46%, 27% and 27% strongly disagree disagree and slightly disagree respectively that other laws of Ghana pose any challenges to their strikes.

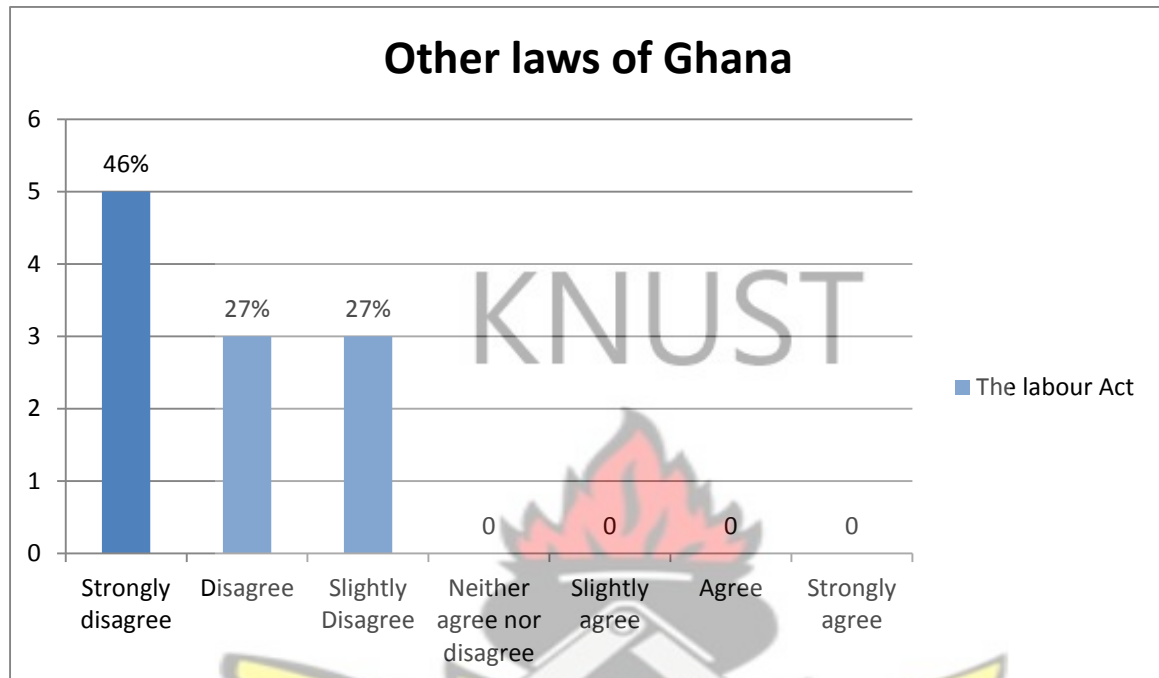


Figure 4.12 Other laws of Ghana

Interestingly, the persecutions of the media stand as one of the main challenges to GMA strikes; 82% of the leaders strongly agree to this fact and the other 18% also agree.

Another challenge GMA faces in respect of strike is the ‘human face’ of addressing issues. As can be seen in figure 4.13, 55% strongly agree, 36% agree and the other 9% slightly agree to this fact. It is not easy trying to explain why people should die or live with their sickness simply because doctors wants salary raise or more allowances.

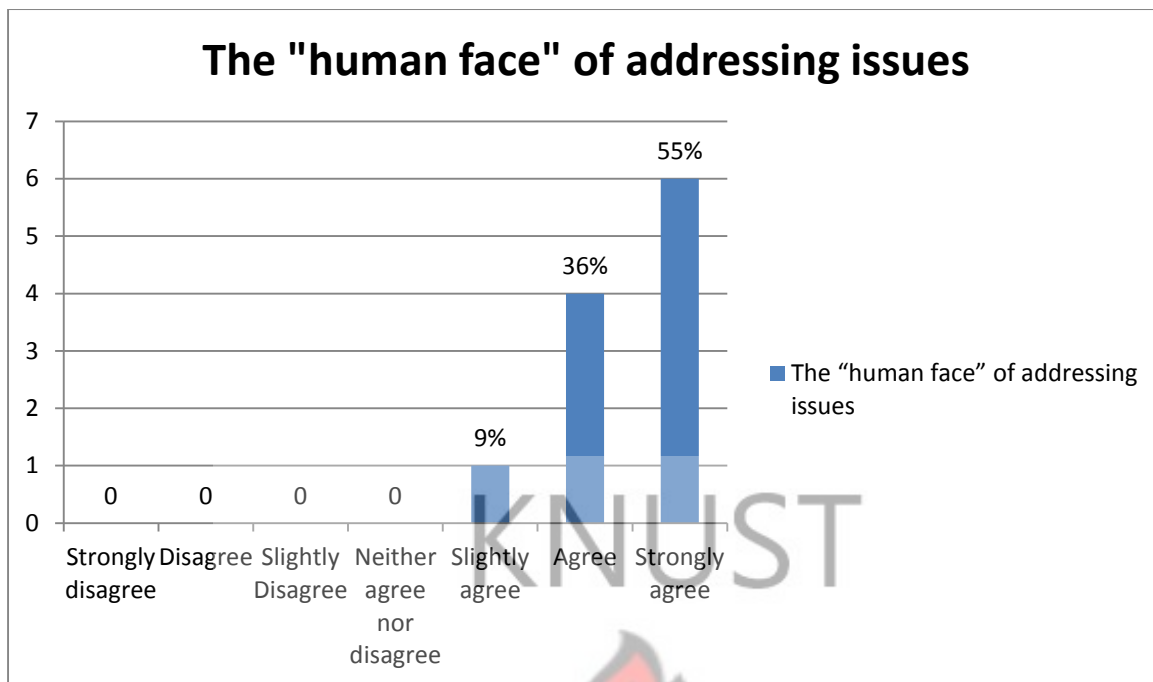


Figure 4.13 The “human face” of addressing issues

The study disclosed that, 64% of GMA leaders strongly agree while the other 36% agree that their oath of service makes it difficult for them to strike. This is because their duty is to save lives and not watch people perish as a result of their strikes.

#### 4.4 Causes of regular strikes in Ghana

There are many causes of the regular strikes in Ghana. The study showed that, 91% of GMA leaders strongly agree that demand for increase in wages is a cause of regular strikes in Ghana. The other 9% also agree to this fact. The data showed that disagreements between GMA and their employers are mostly triggered by pay policy. This is in consonance with Baah (2007), that, there is hardly anything of more fundamental importance for workers as their pay.

Non-payment of wages is also a major cause of strikes in Ghana as shown in figure 4.14 below. Seventy-three percent strongly agree, 18% agree and the remaining 9% slightly agree

to this fact. This is also in consonance with Baah (2007), that, there is hardly anything of more fundamental importance for workers as their pay.

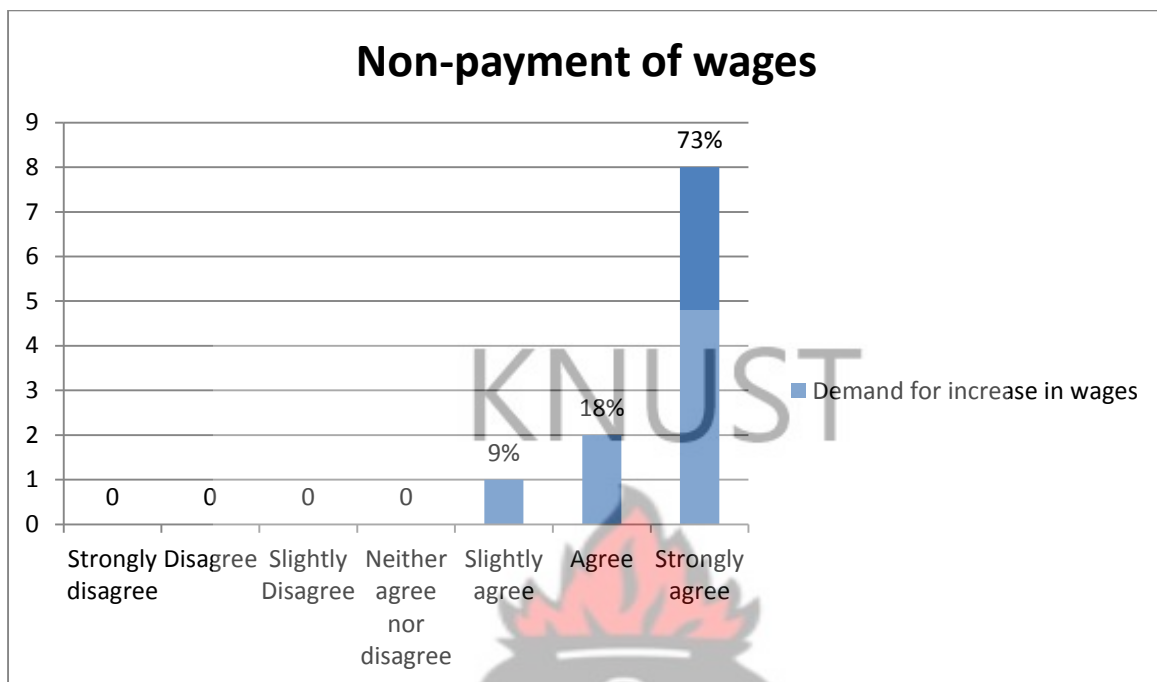


Figure 4.14 Non-payment of wages

Figure 4.15 below shows that unfavourable conditions of work is also a cause of regular strikes in Ghana. Forty-six percent, 27% and 9% strongly agree, agree and slightly agree respectively to this. The remaining 18% neither agree nor disagree. This is in consonance with Coleman (1993, 1996, 1997) that there are numerous reasons why Ghanaian workers embark on strikes, one of which is on perceived unfairness and lack of equity in determining working conditions.

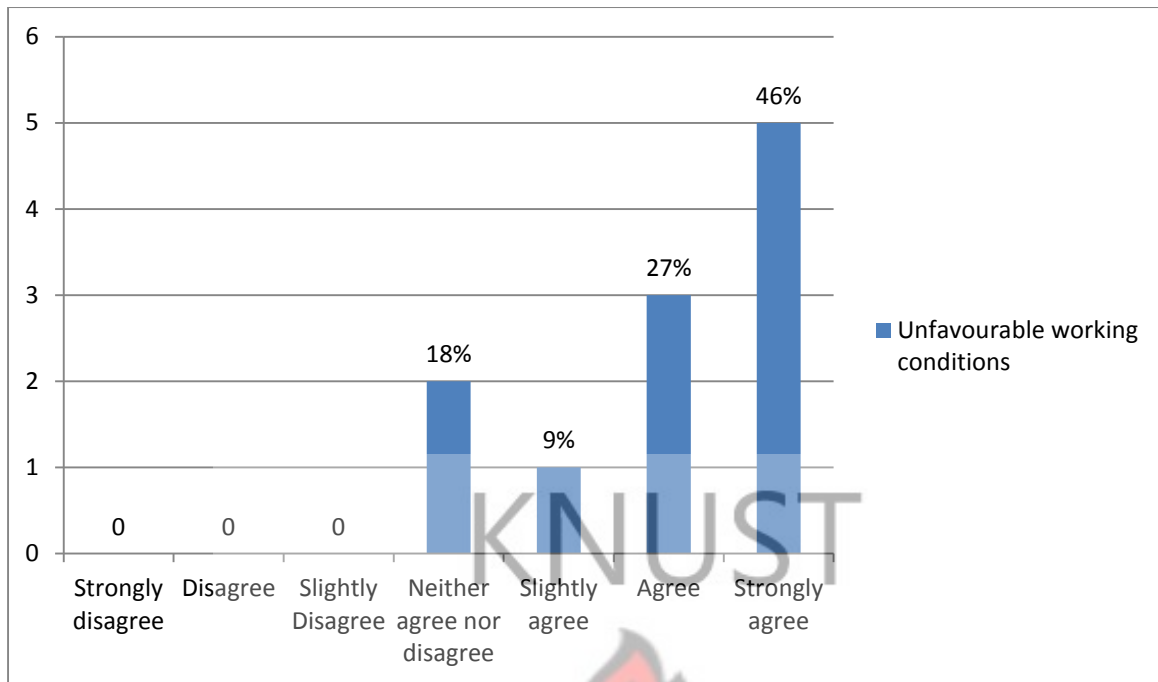


Figure 4.15 Unfavourable working conditions

Demand for allowance, according to the research, is also a cause of regular strike actions in Ghana. It was revealed that 91% of the respondents strongly agree to this while the remaining 9% also agree.

According to the research, delays in the implementation of collective bargaining agreement also contribute to the regular strikes in Ghana. Figure 2.16 shows that 36% strongly agree to this, 55% agree, and the remaining 9% slightly agree to this fact. This is in consonance with Abrefa-Gyan (2008) that employers that are not interested in concluding collective agreements and delay negotiations, and also fail to implement agreements creates dissatisfaction among workers.



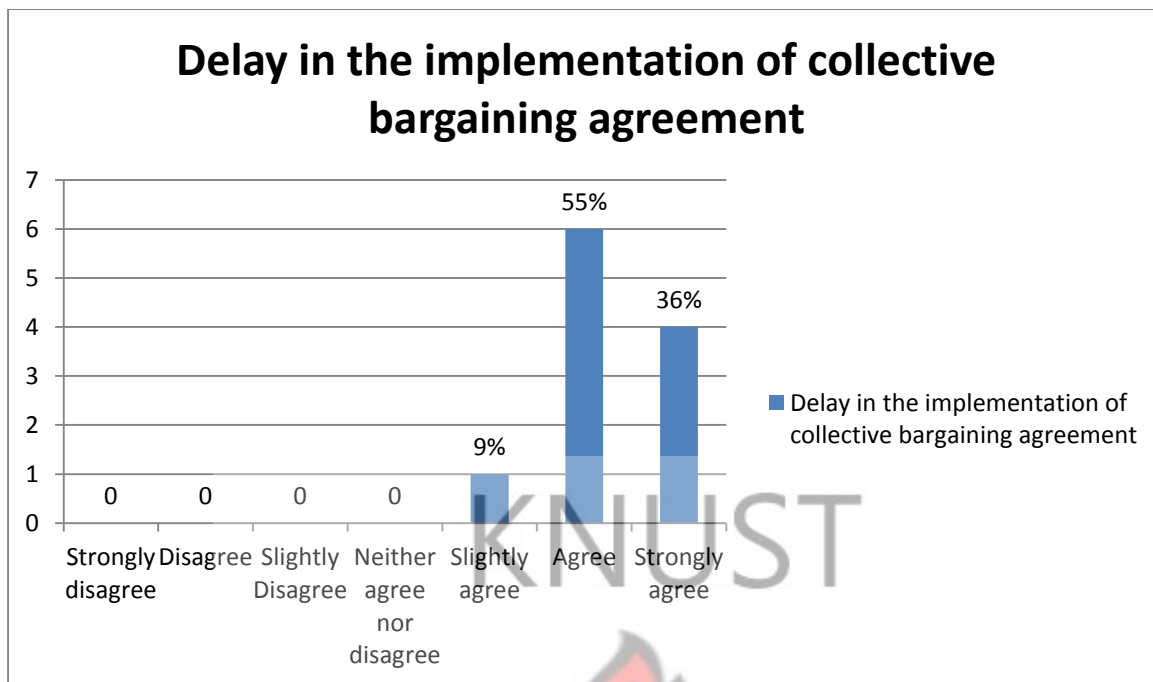


Figure 4.16 Delay in the implementation of collective bargaining agreement

Interestingly, the research revealed that the various procedures (negotiation and mediation) do not yield the needed results leading to strikes. It was revealed that, 55% of the respondents strongly agree to this. The remaining 45% also agree to this fact. This is in variance to Mills and Dalton's (1994) assertion that through grievance processes, disputes are subject to settlement without resort to higher cost resolution methods like strikes, slowdowns and litigations (Mills and Dalton, 1994).

#### 4.5 Strike

As can be seen from figure 4.17 below, 73% of GMA executives think there should be a review of the provisions in the Labour Act 2003 (Act 651) in respect of strikes in the health sector. Only 27% do not think the Labour Act should be reviewed. When asked during an interview session about the section(s) of the Labour Act that members of GMA want to be reviewed, most of them pointed out that the section that prohibits strikes by essential service providers (thus, section 163) must be reviewed. Obviously, GMA wants to be given the right

to strike like other unions in agreement with Samuelson and Nordhaus' (1985) assertion that, strike is the only real weapon of unions to force concessions from managements. It is also in consonance with Carrell et al's (2000) assertion that, strike is a basic union right. However, the nature of their services poses a great challenge since there are many doubts as to whether people will agree with their freedom to strike, if granted at all.

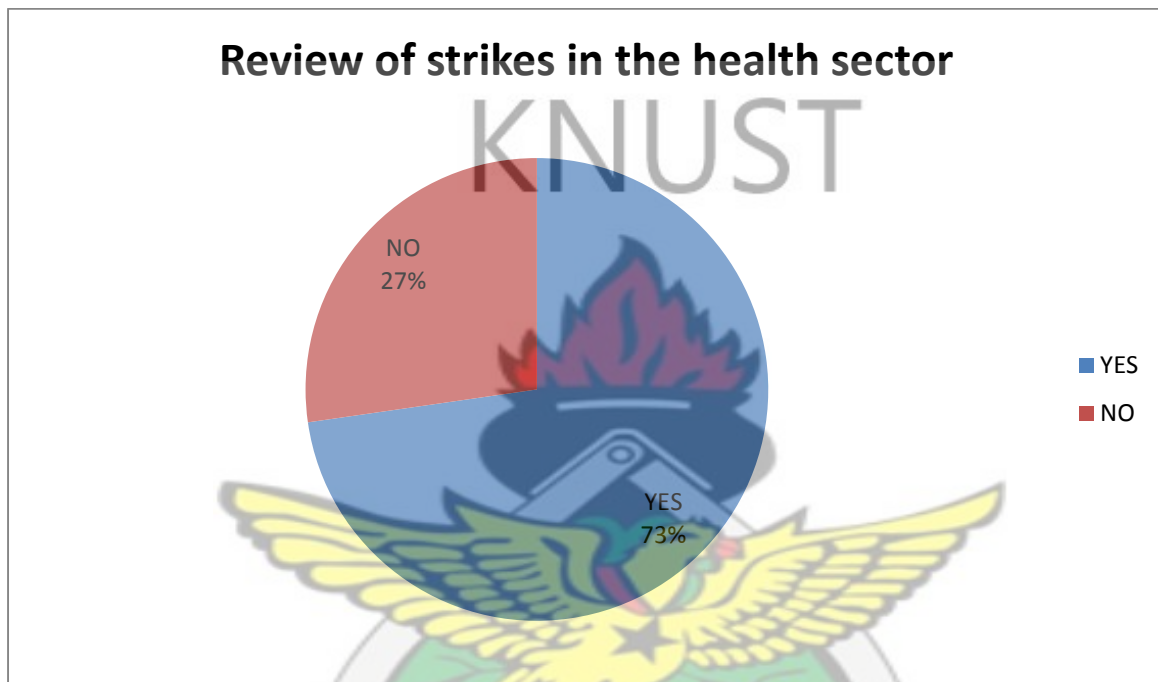


Figure 4.17 Review of the Labour Act 2003, Act 651

#### 4.6 Respondents Profile of GMA Members

The profile of the executives of GMA was aimed at determining their background in terms of sex, level of education, age and length of service. The data gathered indicated that GMA is dominated by male employees who constitute 89% of the total sample.

Shown in table 4.5 is the age range of respondents. It was realized that 42% are between the ages 30-39 years, 26% are between 20-29 years, 17% are within 40-49 years, 13% are between 50-59 while only 2% are 60 years or more.

Table 4.5 Age of Respondents

Age Group (in years)	Number of Respondents	Percentage
20-29	65	26%
30-39	105	42%
40-49	43	17%
50-59	33	13%
60+	4	2%

As can be seen from table 4.6, majority of GMA members (82%) possess only a first degree; 17% have masters degree and just 1% possess a doctorate degree.

Table 4.6 Educational Level of Respondents

Degree	Number of Respondents	Percentage
Bachelor	205	82%
Masters	43	17%
Doctorate	2	1%
PhD	0	0%

Half of the respondents (50%) have served between 1-10 years; 22% have served between 21-30 years while 19% and 1% have served between 11-20 years and 31 years and above respectively. About 8% have served for less than a year, as shown in table 4.7 below.

Table 4.7 Length of Service of Respondents

Length of service (in years)	Number of respondents	percentage
Less than 1 year	20	8%
1-10	125	50%
11-20	47	19%
21-30	55	22%
31 and above	3	1%

#### 4.7 The Labour Act 2003, Act 651

Like their leaders, most of the members of GMA (89%) do not have copies of the Labour Act, 2003 (Act 651), as only 11% have copies.

Considering figure 4.18, it is not so surprising that the majority of the members of GMA (73%) admitted that they have little knowledge of the Labour Act. This is because most of them do not even have copies of the Act just like their leaders.

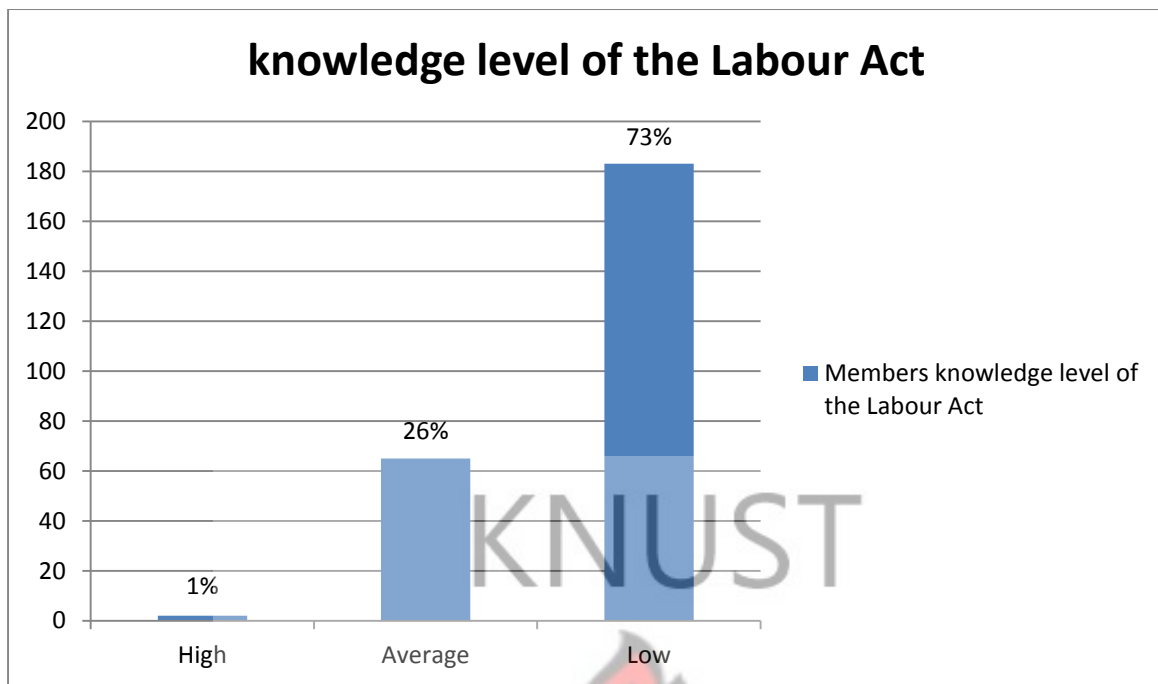


Figure 4.18 Knowledge Level of Respondents in the Labour Act

On determining the frequency of members usage of the Labour Act, it was realized that 60% never read the Labour Act; 30% do not read it often; only 9% read it quite often and as little as 1% read it very often (figure 4.19). This is also similar to the data gathered about their leaders. This shows that most of GMA members and executives do not read the Labour Act.



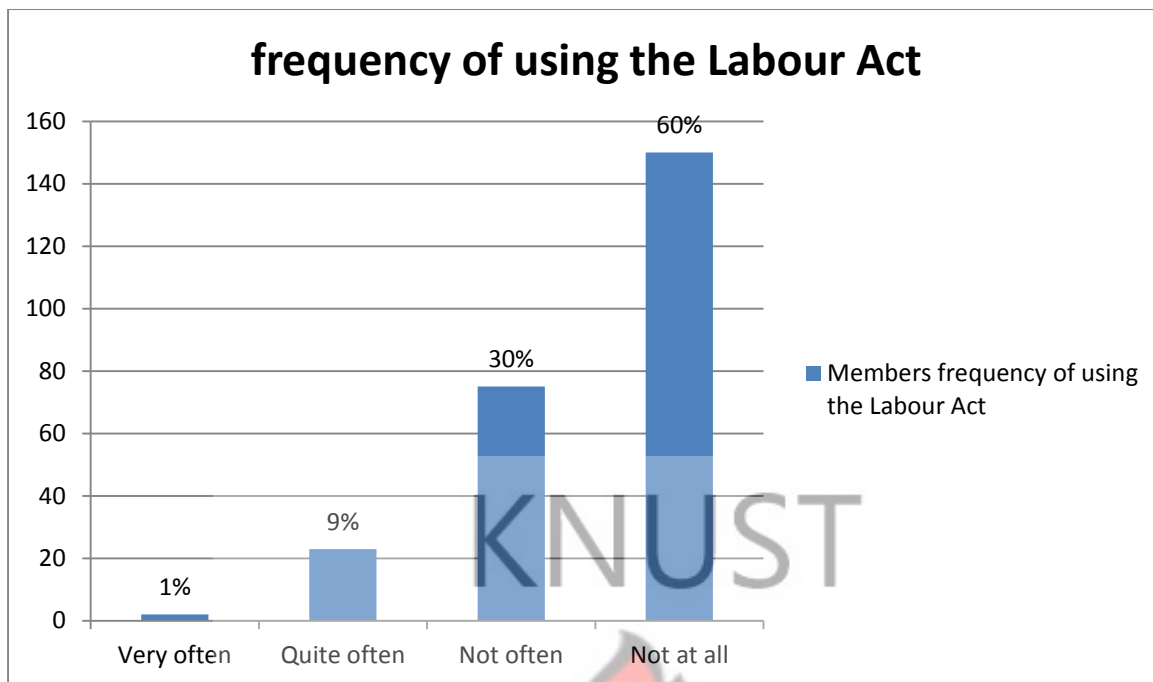


Figure 4.19 Frequency of Reading/Using the Labour Act

As to whether the members were trained or not in the Labour Act before joining GMA, it was revealed that 94% received no training at all as only 6% had training in the Labour Act before joining the association.

It remained that most of the members did not receive any training after joining the association. Data gathered showed that as little as 8% had training in the Labour Act after joining GMA while the other 92% received no training. This also confirms why the knowledge level of both executives and members in the Labour Act is very low.

Like the executives, the members were asked whether the Labour Act has brought harmony between them and their employer. Figure 4.20 shows the result. Majority (59%) were not sure whether to answer yes or no, so said somehow. Twenty-three percent said the Labour Act has not brought any harmony; only 18% responded that the Labour Act has brought harmony between them and their employers. This is also in consonance with the data gathered from the executives.

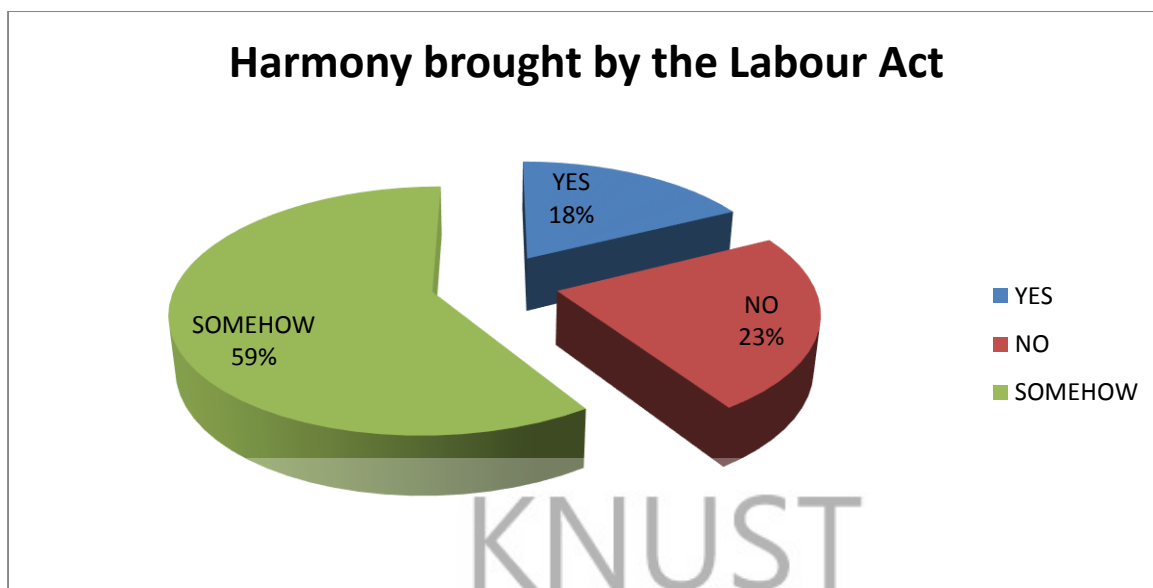


Figure 4.20 The Labour Act has brought harmony

Considering their low level of knowledge in the Labour Act, and the fact that most of them do not have copies or read the Act, it was very surprising when 67% of the members answered that GMA follows the procedures in the Labour Act (see figure 4.21). Only 8% revealed that they do not follow the Act while 25% answered that they sometimes follow the Act.

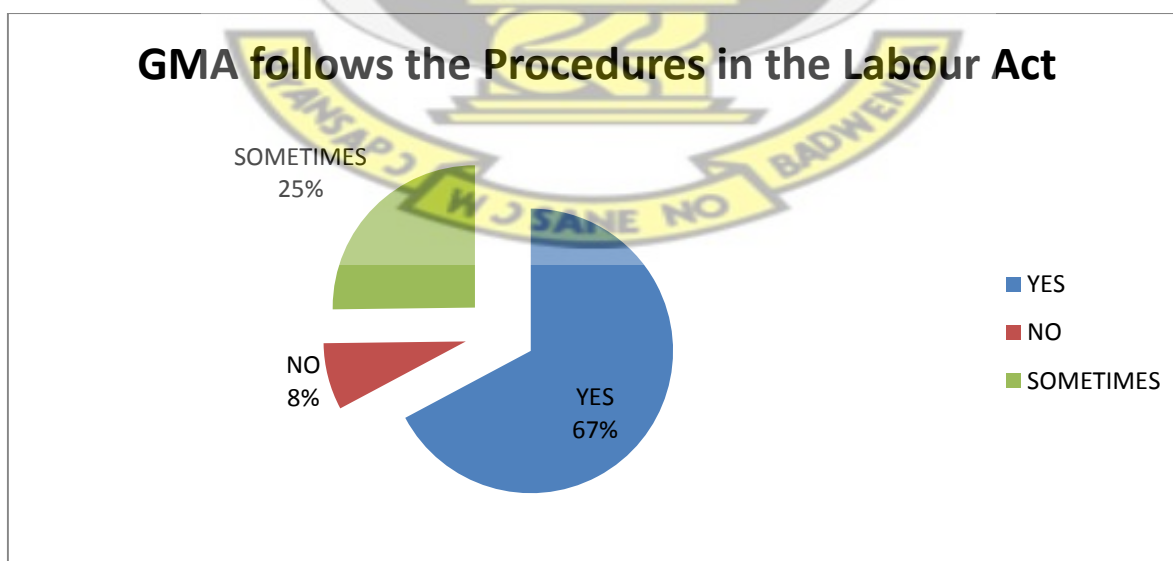


Figure 4.21 GMA follows the Procedures in the Labour Act

#### 4.8 Dispute Resolution

The research revealed that 26% of the members said they do not have dispute resolution procedures. As in the case of the executives, most of the members (74%) admitted that GMA has dispute resolution procedures. This is very important since these procedures help to settle disputes without resort to higher cost resolution methods like strikes, slowdowns and litigations (Mills and Dalton, 1994).

Figure 4.22 is a clear indication that the dispute resolution procedures contribute little to dispute resolution. Most of the respondents (43%) revealed that the contributions of the dispute resolution procedures are low; 26% said it is moderate; 28% said it is high and only 3% said it is high. This presupposes that the dispute resolution procedures are not very effective, as revealed by both executives and members of GMA.

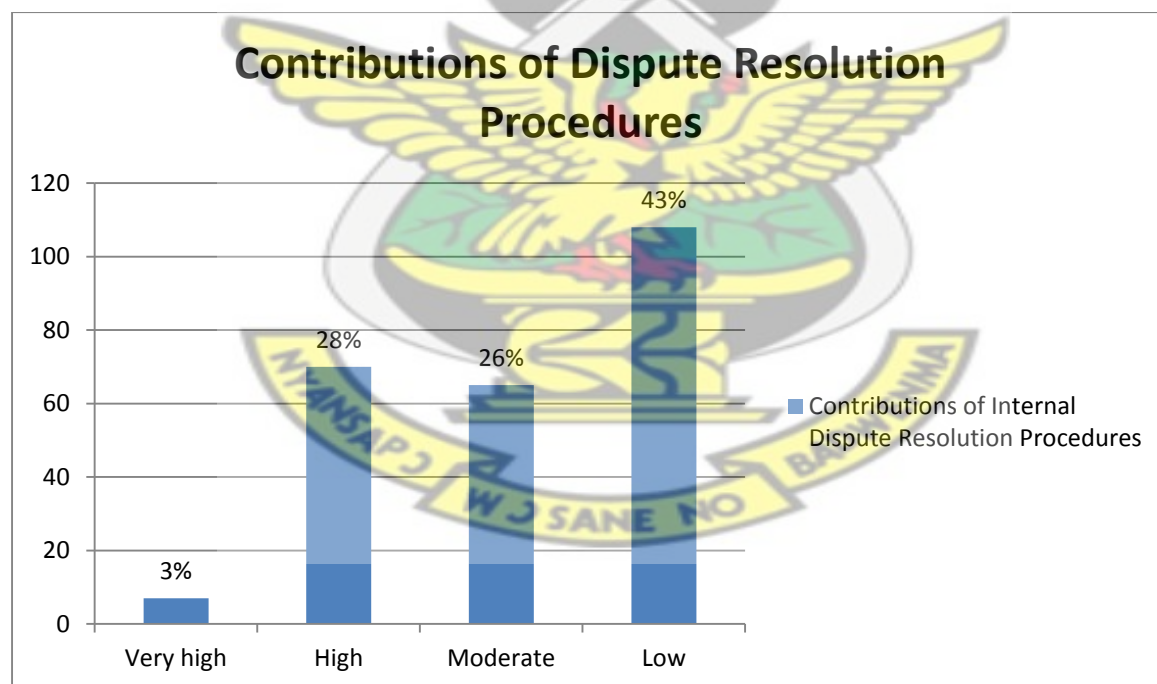


Figure 4.22 Contributions of Dispute Resolution Procedures

Table 4.8 shows the causes of industrial disputes between GMA and their employers. Industrial disputes occur when the parties concerned fail to agree on an issue (Lewis and

Trevitt, 1995). Demand for allowance (37%) and demand for increase in wages (34%) are the main causes of disputes between GMA and their employers. Other causes include delays in the implementation of collective agreement (16%), non-payment of wages (7%) and unfavourable working conditions (6%). This means that, most of the doctors' strikes are the continuance of bargaining by other means (Edwards, 1992) when agreement could not be reached over industrial issues through the normal procedures. The data showed that disagreements between GMA and their employers are mostly triggered by pay policy. This is in consonance with Baah (2007), that, there is hardly anything of more fundamental importance for workers as their pay.

Table 4.8 Causes of Industrial Disputes

Causes	Number of Respondents	Percentage
Demand for increase in wages	85	34%
Non-payment of wages	18	7%
Unfavorable working conditions	15	6%
Demand for allowance	92	37%
Delays in implementing collective agreements	40	16%
Other	0	0%

Figure 4.23 shows that strike is the industrial action likely to be taken by GMA when there is a deadlock over an industrial issue. Like the executives, majority of the members (62%) chose strike as the action to be taken when there is a deadlock. The next most significant action some members pointed out was work-to-rule (28%). Others are economic (6%), picketing (2%) and go slow (2%). This is in agreement to what Edwards (1992) noted, that,

the overt forms of conflict are various and include absenteeism, sabotage, go-slows, work-to-rule, restriction of output, non-cooperation and industrial action (strikes, lock-outs, boycotts). This is also in consonance with what most of the executives admitted to do when there is a deadlock.

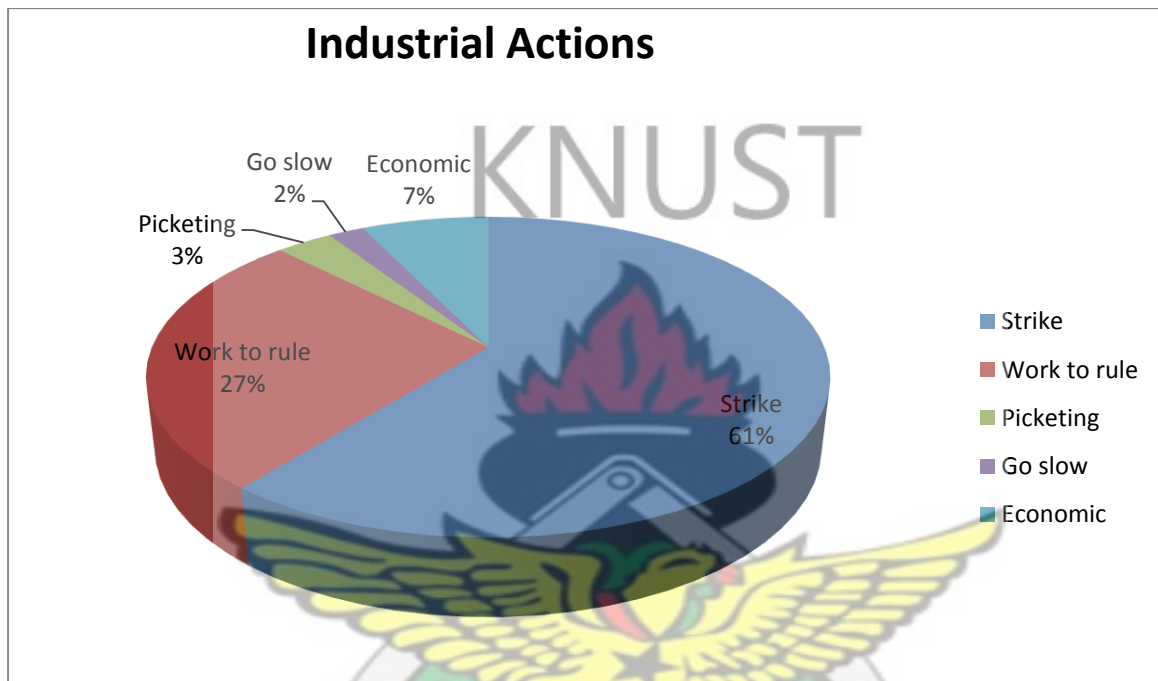


Figure 4.23 Industrial Action Likely to be taken when there is a deadlock

In figure 4.24, the processes GMA goes through when there is a dispute are outlined. It was realized that 42% admitted that negotiation is the first process GMA goes through when there is a dispute; 29% said mediation; 16% said arbitration while 13% said strike. Comparing to the data gathered from the executives, it reveals that the first process GMA goes through when there is a dispute is negotiation. This is in accordance with the suggestion by Chan and Suen (2005) that negotiation should be employed as the first method to resolve disputes.



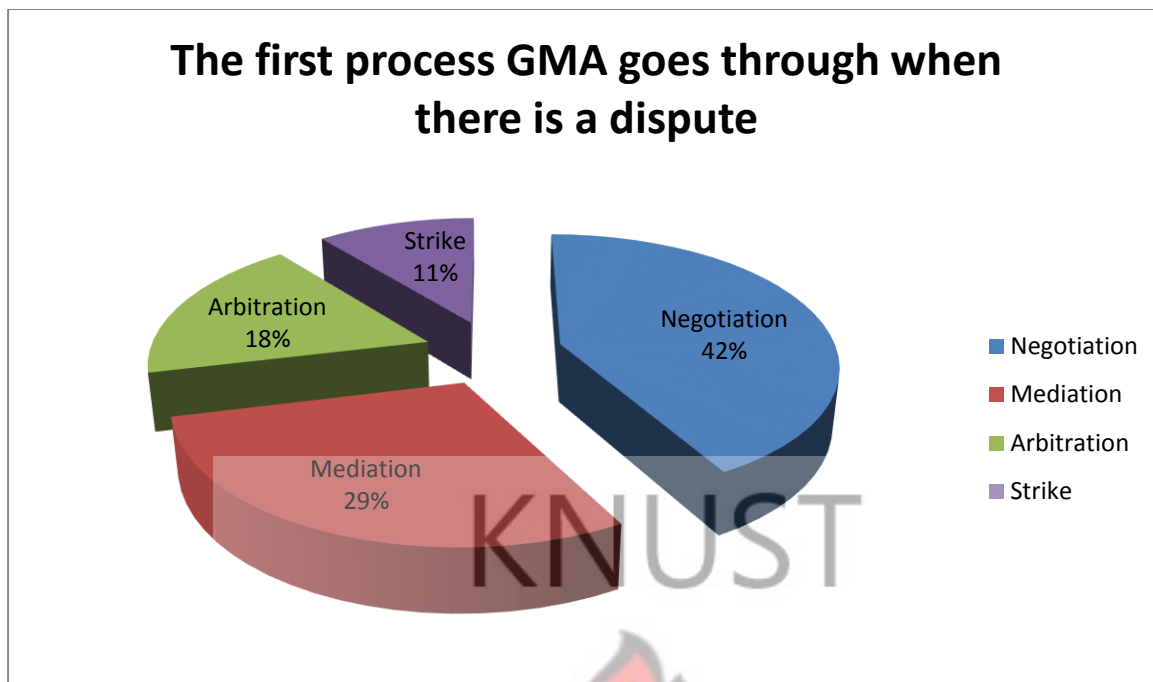


Figure 4.24 The first process GMA goes through when there is a dispute

When respondents were asked whether GMA has Collective Bargaining Agreement or not, most of them (96%) responded in the affirmative while only 4% said no. Collective Bargaining is very important in that it protects the interests of the parties by entering into agreement (Coleman, 2006).

Ninety-five percent responded affirmatively that GMA has a Collective Bargaining Certificate, while only 5% responded negatively. This is in agreement with the data gathered from the executives. This agreement helps them stand the chance of counterbalancing the power of the employer (Davis and Freeland, 1983; Armstrong, 2006).

#### 4.9 Strike

Section 163 of the Labour Act 2003 (Act 651) prohibits strike or lockout in respect of essential services. In the interpretation section (175), essential service includes areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other services as the Minister may by legislation

instrument determine. When asked whether or not GMA is an essential service provider, 99% of the respondents agreed that it is an essential service provider. Only 1% do not think GMA is an essential service provider.

When asked whether GMA faces any challenges in respect of the right to strike, 83% affirmed that they do face challenges. This is not very surprising since the Labour Act 2003, (Act 651) (section 163 and 175) prohibits essential service providers to strike.

Some of the challenges GMA faces with regard to strike are shown in table 4.9. The main challenges are the threat of prosecution for criminal offence (29%), loss of wages (25%) and threat of dismissal (24%). Other challenges include threat of suspension (14%) and threat of demotion (8%). These challenges, which serve as obstacles to GMA strike actions, are present because the government and society see GMA as essential service providers who by law, are not allowed to take strike actions. This seems to be in variance with Carrell et al's (2000) assertion that strike is recognized as a basic union right.

Table 4.9 Challenges GMA faces with regards to the right to strike

Challenge	Number of respondents	Percentage
Threat of dismissal	60	24%
Threat of suspension	35	14%
Loss of wages	63	25%
Threat of demotion	20	8%
Threat of prosecution	72	29%
Other	0	0%

Like the executives, most of the GMA members (83%) think that there should be a review of the provisions in the Labour Act with regards to strike. Only 17% do not think the Labour Act should be reviewed.

The research showed that 83% of GMA members want the Labour Act 2003 (Act 651) reviewed to allow or legalize strike actions by essential service providers. It is obvious that GMA wants to be given the right to strike like other unions in agreement with Samuelson and Nordhaus' (1985) assertion that, strike is the only real weapon of unions to force concessions from managements.

There is no doubt that GMA has embarked on several strike actions over the past ten years. However, when asked the exact number of times GMA has gone on strikes, no particular figure could be provided by the executives. Their excuse was that ten years is a long time and that so many things have happened so they cannot tell precisely the number of times they have gone on strike. Obviously, GMA seems not to be concerned with the number of strikes they embark as compared to the reason for their strikes. Hence, they do not keep records of their strike actions.

## CHAPTER FIVE

### SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### 5.0 Introduction

This chapter presents the summary of findings of the study and also making inferences to what have been stated in the literature reviewed. Conclusion is then drawn by summarizing the research study. The chapter also presents recommendations that the researcher finds necessary for implementation, aimed at solving strike actions by GMA.

#### 5.1.0 Summary of Findings

Based on the research conducted, the study revealed the following findings:

##### 5.1.1 Understanding of the Labour Act 2003, (Act 651)

The data elicited revealed that both the executives and members of GMA have very limited knowledge of the Labour Act. Most of the executives (73%) and members (89%) do not even have copies and many more do not read the Labour Act. The study revealed that most of the GMA leaders received no orientation in the Labour Act whether before or after their appointment. It was also revealed that, the Labour Act has not brought about any significant harmony between GMA and their employer (the government). Despite all the above issues, the study revealed that GMA still follows the dispute resolution procedures in the Labour Act, except the prohibition of strikes by essential services.

The right to strike is provided for under the Act. However, strictly speaking, a union can only embark on a strike for only seven days after which period the strike becomes illegal. However, not all employees can embark on strike actions under the Act. This is because, the scope of the Act is limited in the sense that certain employees such as those in the security

services are not covered by the Act. Secondly, some employees covered by the Act, but providing essential service are also denied the right to strike.

The position of the Act on strike action has the potential of discouraging employers from negotiating with employees, since threat of strike action by employees will have little effect as they are certain that employees have to satisfy a very long and difficult procedure before they are qualified to go on strike for a limited number of days.

### **5.1.2 Dispute Resolution and Processes Leading to Strikes**

The study revealed that GMA has dispute resolution procedures but the contributions of these procedures are low. It was known that the two main causes of industrial disputes between GMA and its employers are demand for allowance and demand for increase in wages. Other significant causes include non-payment of wages and delays in the implementation of collective agreement. The industrial action more likely to be undertaken by GMA when there is a deadlock over an industrial issue is strike. However, GMA goes through the processes of negotiation and arbitration before embarking on strike actions. It was also revealed that GMA has a Collective Bargaining Certificate.

### **5.1.3 Causes of Strike Actions in the GMA**

It was known that the two main causes of industrial disputes between GMA and its employers are demand for allowance and demand for increase in wages. Other significant causes include non-payment of wages and delays in the implementation of collective agreement.

The following were identified as the causes of strikes by the GMA in decrease order of importance

- Demand for allowance
- Demand for increase in wages
- Delays in implementing collective agreement



- Non-payment of wages
- Unfavourable working conditions

#### **5.1.4 Challenges faced for Strike Actions**

The study also revealed that almost all the members of GMA (99%) and the executives agree that GMA is an essential service provider. The results revealed that GMA faces challenges with regard to the right to strike. The main challenges were the prohibitions of the Labour Act and the persecutions of the media. The following challenges were identified in order of decreasing importance:

- Threat of prosecution
- Loss of wages
- Threat of dismissal
- Threat of suspension
- Threat of demotion

The study also showed that most of them wish for a review of the Labour Act in respect of strikes in the health sector. Members of GMA wants section 163 of the Labour Act to be reviewed so that they can embark on legal strikes like any other union.

The study also revealed that GMA does not keep records of their strike actions. This was made evidenced when the leaders could not tell the exact number of strike actions they have embarked on over the past ten years.

#### **5.2.0 Conclusion**

On the basis of the findings, the following conclusions are drawn.

##### **5.2.1 Issue about understanding the Labour Act and Processes leading to strikes**

The study revealed that both the executives and members have very little understanding in the Labour Act 2003, (Act 651). This makes them unable to appreciate the provisions of the Act.

The GMA does not take pains to study the legal implication of the strike actions they usually embark on. This has not been a bother both to the individual members and the executives mainly because in spite of this deficiency they almost always achieve their objectives anyway and without any sanctions. Being essential service providers, they however, face some challenges, usually bothering on conscience and ethics, though. Their recourse to strikes should therefore be seen as a last resort. Strikes have become regular in the health sector because of disputes over wage increases and allowances. However, the processes GMA go through when there is a dispute are negotiation and arbitration, and that strike actions result only when all the mechanisms to resolve a dispute have failed.

### **5.2.2 Causes of Strike Actions**

It is clear from the list of causes of strike that “demand for allowances” topped. The significance of this could lie in the nature of their job. It is also clear that four (4) out of the five causes are salary related with only one being due to “working conditions”. This goes to show that the men who take charge of our health are not the least impressed about how they are remunerated, hence the rampant strikes.

### **5.2.3 Challenges**

With regard to the challenges faced during strike actions, all the five items are real life threatening as far as survival are concerned. These threats are real and have the potential of being carried out by the powers that be especially, since, as per the findings, most of these strikes could easily be described as “illegal strikes”. One wonders, why they keep following the same path so regularly.

### **5.3.0 Recommendations**

The following recommendations have been made to help minimize strike actions in the health sector, GMA precisely.

### **5.3.1 The Labour Act 2003, (Act 651)**

The Labour Act is a statute that regulates all employment and industrial relations and as such all unions must be conversant with it, especially union leaders. It is therefore recommended that a voluntary (or compulsory, if needs be) orientation should be given to all union members, especially the leaders, in the Labour Act. This will help all union members and executives understand and appreciate the laws governing their employment.

This will enable them to ensure that they are the right path seeking redress to their numerous problems relating to the conditions of service and to avoid the numerous threats that face them during such times. Understanding the law will also help them “press the right knob” when it matters most. Thus, it is also recommended that, regular seminars and symposia should be organised to educate and update members of GMA about these Acts.

### **5.3.2 Causes of Strike Actions**

Since most the causes of the strikes are in connection with remuneration, it makes sense that for the sake of human lives, governments should be in constant discussion with the GMA with matters concerning their remuneration. Whenever, the warning signs are shown, it is recommended that the government acts swiftly and proactively to arrest the situation. It is also recommended that there should be a standing technical committee of the GMA whose duty it will be to constantly interact with fare wages and the labour commission to discuss issues bothering on the conditions of service of GMA.

### **5.3.3 The challenges**

GMA faces some challenges with regards to the right to strike because it is an essential service provider. However, since strikes have become a frequent issue a way to avert strike

action in the first place will also remove these threats. Therefore, strike prevention mechanisms should be established for such essential service providers as the GMA.

#### **5.3.4 Effective Dispute Resolution Procedures**

As a form of ensuring dispute resolution and reducing or completely eradicating strike actions in the health sector, it is recommended that specific and unambiguous procedures of dispute resolutions that have the full backing of the law be made and followed strictly. The Labour Act should be reviewed to specify clearly the punitive consequences of strike actions by essential services. This will help control the regular strike actions by the health sector.

Employers also have a lot to do to avoid strikes.

#### **5.3.5 Reviewing the Law**

There is also the need to relax some of the regulations and restrictions placed on the right of the employee to strike. These restrictions have created inconsistencies and inequalities in the Labour Act, making it sometimes conflicting. There is the need to review some provisions of the Act, especially section 163. This could be amended to allow GMA to embark on legal strikes since they are already striking despite the prohibitions.

There is also the need to review the Act to focus on what the employer too can do to avoid strike actions.

#### **5.4 Further Research**

This research was basically on GMA as a union and an essential service provider. Since there are other essential services apart from health workers, it is suggested that further research be made to cover the other essential services with regard to the Labour Act 2003 (Act 651) and strike actions.

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## APPENDIX A

### QUESTIONNAIRE FOR GMA UNION LEADERS

I am a Master of Business Administration (MBA) student of the School of Business, Kwame Nkrumah University of Science and Technology. As part of the programme, I am required to write a thesis titled ‘**The Labour Act 2003, and Organized Labour Strikes: Case Study of Ghana Medical Association**’. Consequently, sampled members, of which you are among, are kindly asked to fill in the following questionnaires. The study is basically an academic exercise and therefore you are assured that all the information you provide would be treated with utmost confidentiality. I thank you in advance for your co-operation.

#### RESPONDENT PROFILE (please tick where applicable)

1. Sex: Male ☐ Female ☐
2. Age: 25 – 35 ☐ 36 – 45 ☐ 46 – 55 ☐ 56 and above ☐
3. Educational Level: First Degree ☐ Masters ☐ Doctorate ☐ PhD ☐
4. How long have you been in the health sector?  
Less than 1 years ☐ 1-10 years ☐ 11-20 years ☐ 21-30 years ☐  
31 and above ☐
5. What position do you hold in the association? (Please write)  
Chairman ☐ Vice-Chairman ☐ Secretary ☐ Treasurer ☐  
Executive Member ☐ Others ☐ Specify.....

#### QUESTIONS RELATED TO THE LABOUR ACT 2003, ACT 651 (please tick)

Indicate your level of agreement or disagreement to the following statements. There are no wrong or right answers.

**Strongly Disagree = 1**

**Disagree=2**

**Slightly Disagree=3**

Neither Agree nor Disagree=4      Slightly Agree=5      Agree=6  
Strongly Agree=7

No.	Statement	1	2	3	4	5	6	7
6.	GMA is part of the essential service							
7.	Under the labour Act, GMA can embark on strikes							
8.	Other workers like Teachers and Civil can go on strike after negotiation and a neutral party to assist in negotiation.							
9.	I have read the Labour act personally							
10.	GMA has taught most of its members about the labour act							

### Challenges to strikes of GMA

Indicate your level of agreement or disagreement to the following statements. There are no wrong or right answers. Indicate how the following items affect your decision to go on strike.

No.	Statement	1	2	3	4	5	6	7
11.	The labour Act prohibits us from going on strike							
12.	Other laws of Ghana do not support our decision to go on strike							
13.	Persecutions of the media hinders us from going on strike							
14.	The “human face” of addressing issues also prevents us from going on strike even if we want to							
15.	Strikes may lead to loss of human life hence I do like to go on strike							
16.	Our oath of service makes it difficult for us to go on strike							

**Causes of regular strikes in Ghana (please tick where applicable)**

No.	Cause	1	2	3	4	5	6	7
17.	Demand for increase in wages							
18.	Non-payment of wages							
19.	Unfavourable working conditions							
20.	Demand for allowance							
21.	Delay in the implementation of collective bargaining agreement							
22.	Various procedures like (negotiation, mediation and arbitration) do not yield the needed results.							

**QUESTIONS RELATED TO STRIKE (please tick where applicable)**

No.	Statement	1	2	3	4	5	6	7
23.	Does your union (GMA) face any challenges with regards to the right to strike?							
24.	Do you think there should be a review of the provisions in the Labour Act 2003 (651) in respect of strikes in the health sector?							
25.	Do you wish that the prohibition of strike actions by essential service providers in the Labour Act 2003 (651) to be reviewed?							

26. Please indicate any concerns about the Labour Act

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## APPENDIX B

### QUESTIONNAIRE FOR GMA UNION MEMBERS

I am a Master of Business Administration (MBA) student of the School of Business, Kwame Nkrumah University of Science and Technology. As part of the programme, I am required to write a thesis titled ‘**The Labour Act 2003, and Organized Labour Strikes: Case Study of Ghana Medical Association**’. Consequently, sampled members, of which you are among, are kindly asked to fill in the following questionnaires. The study is basically an academic exercise and therefore you are assured that all the information you provide would be treated with utmost confidentiality. I thank you in advance for your co-operation.

#### RESPONDENT PROFILE (please tick where applicable)

- 1) Sex:                      Male ☐                      Female ☐
- 2) Age:                      20 – 29years ☐                      30 – 39years ☐                      40 – 49years ☐  
   50 – 59years ☐                      60+ ☐
- 3) How long have you worked in the health sector?
- 1-10 years ☐                      11-20 years ☐                      21-30 years ☐  
   31-40 years ☐                      Other (specify).....
- 4) What is your educational level?
- 1<sup>st</sup> Degree ☐                      Masters Degree ☐                      Doctorate Degree ☐  
   PHD ☐                      Other (please specify).....

#### QUESTIONS RELATED TO THE LABOUR ACT 2003, ACT 651 (please tick)

- 5) Do you have a copy of the Labour Act 2003, Act (651)?                      YES ☐                      NO ☐
- 6) What is your knowledge level in the Labour Act 2003, Act (651)?
- High ☐                      Average ☐                      Low ☐

7) How often do you read or use the Labour Act?

Very often [ ]

Quite often [ ]

Not often [ ]

Not at all [ ]

8) Did you receive any training relating to the Labour Act before joining GMA?

YES [ ]

NO [ ]

9) After you joined GMA, did you receive any training relating to the Labour Act?

YES [ ]

NO [ ]

10) Has the Labour Act brought any industrial harmony between your union and your employers? YES [ ] NO [ ] Somehow [ ]

11) Does your union (GMA) follow the laid down procedures stated in the Labour Act, 2003 (Act 651)? YES [ ] NO [ ] Sometimes [ ]

**QUESTIONS RELATED TO DISPUTE RESOLUTION (please tick where applicable)**

12) Do you have dispute resolution procedures? YES [ ] NO [ ]

13) If yes, what has been the contribution of these procedures in resolving disputes at the work place?

Very High [ ]

High [ ]

Moderate [ ]

Low [ ]

14) Which of the following has been the main cause of industrial disputes, and resulting strikes actions, between your organization (GMA) and your employer, in recent times?

Demand for increase in wages [ ]

Non-payment of wages [ ]

Unfavourable working conditions [ ]

Demand for allowance [ ]

Delay in the implementation of collective agreement [ ]

Other(specify).....



15) Which of the following industrial action(s) is your union likely to undertake when there is deadlock over an industrial issue?

Strike [ ]      Work to rule [ ]      Picketing [ ]      Go slow [ ]

Economic [ ]      Other (specify) [ ]

16) What is the first process GMA goes through when there is an industrial dispute?

Negotiation [ ]      Mediation [ ]      Arbitration [ ]

Strike [ ]      Other (specify).....

17) Does your union have a Collective Bargaining Agreement?      YES [ ]      NO [ ]

18) If Yes, has your union been granted a Bargaining Certificate?      YES [ ]      NO [ ]

### QUESTIONS RELATED TO STRIKE (please tick where applicable)

19) Do you agree that your union, Ghana Medical Association (GMA), is an essential service provider?      YES [ ]      NO [ ]

20) Does your union (GMA) face any challenges with regards to the right to strike?

YES [ ]      NO [ ]

21) Which of these challenges does GMA face in respect of the right to strike?

Threat of dismissal [ ]      Threat of suspension [ ]      Loss of wages [ ]

Threat of Demotion [ ]      Threat of prosecution for criminal offence [ ]

Other (specify).....

22) Do you think there should be a review of the provisions in the Labour Act 2003 (651) in respect of strikes in the health sector?      YES [ ]      NO [ ]

23) Do you wish the prohibition of strike actions by essential service providers in the Labour Act 2003 (651) be reviewed?      YES [ ]      NO [ ]

## APPENDIX C

### INTERVIEW QUESTIONS

I am a Master of Business Administration (MBA) student of the School of Business, Kwame Nkrumah University of Science and Technology. As part of the programme, I am required to write a thesis titled, ‘**The Labour Act 2003, and Organized Labour Strikes: Case Study of Ghana Medical Association**’. The study is basically an academic exercise and therefore you are assured that all the information you provide would be treated with utmost confidentiality. I thank you in advance for your co-operation.

1) Do you have a copy of the Labour Act 2003, Act (651)?

YES [ ] NO [ ]

2) What is your knowledge level in the Labour Act 2003, Act (651)?

High [ ] Average [ ] Low [ ]

3) How often do you read or use the Labour Act?

Very often [ ] Quite often [ ]

Not often [ ] Not at all [ ]

4) Prior to your appointment, did you receive any training relating to the Labour Act?

YES [ ] NO [ ]

5) After your appointment, did you receive any training relating to the Labour Act?

YES [ ] NO [ ]

6) Has the Labour Act brought about industrial harmony between your union and your employers?

YES [ ] NO [ ] Somehow [ ]

7) Does your union (GMA) follow the laid down procedures stated in the Labour Act, 2003

(Act 651)?

YES [ ]

NO [ ]

Sometimes [ ]

8) Do you have dispute resolution procedures?

YES [ ]

NO [ ]

9) Which of the following industrial action(s) is your union likely to undertake when there is deadlock over an industrial issue?

Strike [ ]

Work to rule [ ]

Picketing [ ]

Go slow [ ]

Economic [ ]

Other (specify) .....

10) What is the first process GMA goes through when there is an industrial dispute?

Negotiation [ ]

Mediation [ ]

Arbitration [ ]

Strike [ ]

Other (specify) .....

11) What is the correct order of the processes GMA go through before embarking on strikes?

Negotiation, Mediation and Arbitration [ ]

Negotiation and Arbitration [ ]

Negotiation and Mediation [ ]

Mediation and Arbitration [ ]

Other (specify) .....

12) Has GMA been granted a Bargaining Certificate?

YES [ ]

NO [ ]

13) How many times has GMA embarked on strike actions for the past ten years?

.....

14) Which specific section(s) of the Labour Act do you want to be reviewed?

.....

.....

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# KNUST

